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STATUTES
OF THE
PROVINCE OF ONTARIO,

PASSED IN THE SESSION HELD IN THE
THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE FIRST SESSION OF THE SECOND PARLIAMENT OF ONTARIO,

BEGUN AND HOLDEN AT TORONTO, ON THE SEVENTH DAY OF DECEMBER, IN THE
YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

1871/72



11307

HIS EXCELLENCY
THE HONOURABLE WILLIAM PEARCE HOWLAND, C B.,
LIEUTENANT GOVERNOR.

Toronto:
PRINTED BY JOHN NOTMAN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

ANNO DOMINI 1872.



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JOHN NOTMAN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY



ANNO TRICESIMO-QUINTO.

VICTORIÆ REGINÆ.

CAP. I.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and seventy-two, and to provide for certain sums expended for the Public Service in the years one thousand eight hundred and seventy and one thousand eight hundred and seventy-one.

[Assented to 2nd March, 1872.]

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Excellency Preamble.
the Honourable William Pearce Howland, C. B., Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in schedules "A" and "B," in this Act, are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes, for the year one thousand eight hundred and seventy-two, and to make good certain expenditures made in the years one thousand eight hundred and seventy and one thousand eight hundred and seventy-one; May it therefore please your Majesty, that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province there shall and may be paid and applied a sum (not exceeding in the whole) of two million three hundred and thirty-two thousand eight hundred and eighty-seven dollars and seventy-three \$2,332,887.73 appropriated for expenses of Civil Government for 1872.

three cents for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and seventy two, as set forth in Schedule "A" to this Act.

\$59,185.73
charged to
Con. Rev.
Fund for Ser
vices of 1870
and 1871.

2. The sum of fifty-nine thousand one hundred and eighty-five dollars and seventy-three cents shall be charged to the Consolidated Revenue Fund of this Province to make good payments and expenditures by the Treasurer on account of the Public Service as set forth in Schedule "B" to this Act.

Accounts to be
laid before L.
Assembly at
next sitting.

3. Accounts in detail of all moneys received on account of this Province, and of all expenditures under this Act shall be laid before the Legislative Assembly at its next sitting.

Appropriations to lapse
on December
30th.

4. Any part of the money appropriated by this Act, which shall be unexpended on the thirty-first day of December of the year one thousand eight hundred and seventy-two shall not be expended thereafter.

Expenditures
to be account-
ed for.

5. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

SCHEDULE "A."

SUMS granted to Her Majesty by this Act for the year 1872, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CIVIL GOVERNMENT.	\$ cts.	\$ cts.
<i>To Salaries and Contingencies of the several Departments at Toronto:—</i>		
Government House	4,902 00	
Lieutenant-Governor's Office.....	2,500 00	
Executive Council and Attorney-General's Office	10,165 00	
Treasurer's Department.....	14,935 00	
Secretary and Registrar, and Registrar-General's Office.....	21,165 00	
Department of Public Works and Agriculture.....	18,957 00	
Crown Lands Department.....	40,180 00	
Miscellaneous	15,700 00	
Total Civil Government.....		128,504 00
LEGISLATION.		
Total for Salaries, Contingencies, and other Expenses, as per details given in Estimates for 1872	116,940 60	
Do. for Returning Officers, Wages of Messengers, and other Expenses, as per details given in Supplementary Estimate for 1872.....	3,800 00	
Total Legislation		120,740 60
COLONIZATION ROADS.		
Total for Construction and Repairs.....		79,705 40
ADMINISTRATION OF JUSTICE.		
Court of Chancery	18,595 00	
Court of Queen's Bench	8,010 00	
Court of Common Pleas	4,450 00	
Court of Error and Appeal.....	10,050 00	
Criminal Justice	121,000 00	
Law Reform Commission	5,000 00	
Miscellaneous Justice	34,100 00	
Total Administration of Justice.....		201,205 00
PUBLIC WORKS AND BUILDINGS.		
<i>Capital Account.</i>		
Central Prison	200,432 00	
London Lunatic and Idiot Asylums	36,195 96	
Deaf and Dumb Institute	14,350 00	
Blind Institute	33,387 00	
Toronto Lunatic Asylum	5,000 00	
Carried forward	289,364 96	530,155 00

SERVICE.	Amount.	Total.
<i>Brought forward</i>	289,364 96	530,155 00
PUBLIC WORKS AND BUILDINGS (Capital Account).— <i>Continued.</i>		
Reformatory, Penetanguishene.....	1,919 26	
Agricultural College.....	97,424 00	
Technological College.....	11,490 66	
Normal and Model Schools.....	3,318 00	
Lock on Rosseau River.....	1,600 00	
Lock at Young's Point.....	900 00	
Lock at Balsam River.....	6,250 88	
Scugog River Works.....	5,224 79	
Cut between Lakes Joseph and Rosseau.....	238 20	
Kaministiquia River Works.....	11,802 90	
Washago and Gravenhurst Road.....	1,400 00	
Pigeon River Works.....	3,472 60	
Sydenham River Works.....	1,625 24	
Nottawasaga River Works.....	4,291 18	
Drainage of Swamp Lands.....	75,427 60	
Bridge at Portage du Fort.....	4,000 00	
Roads in Township of Ryerson.....	4,000 00	
Parliamentary and Departmental Buildings.....	3,000 00	
Court House, Sault Ste. Marie.....	600 00	
Government House.....	1,500 00	
Total Public Works and Buildings (capital account),.....		528,850 27
MISCELLANEOUS PUBLIC WORKS.		
Settler's Homestead Fund.—To encourage settlement of Free Grant Lands, to be re-imbursed by actual settlers: revote unexpended balance.....	16,317 97	
Surveys, inspections, arbitrations, awards, and charges, not otherwise provided for.....	5,000 00	
Maintenance of Locks.—Salaries of Lock-masters at Lindsay, Young's Point, Port Carling, and on Balsam River.....	1,000 00	
Repairs, tools, &c.	500 00	
Total Miscellaneous Public Works.....		22,817 97
ASYLUM MAINTENANCE.		
Asylum for the Insane, Toronto.....	81,545 00	
Do London, and Idiot Asylum, branch of same.....	65,234 00	
Do Kingston.....	47,190 00	
Institution for the Deaf and Dumb, Belleville.....	25,432 00	
Institution for the Blind, Brantford.....	15,000 00	
Total for Asylum Maintenance.....		234,401 00
REFORMATORY.		
Total for Maintenance, as per details in Estimates for the year 1872.....		21,710 00
AGRICULTURE AND ARTS.		
Electoral Division Societies, 73 at \$700.....	51,100 00	
Do 1 at 550.....	550 00	
<i>Carried forward</i>	51,650 00	1,337,934 24

SERVICE.	Amount.	Total.
<i>Brought forward</i>	51,650 00	1,337,934 24
<i>AGRICULTURE AND ARTS—Continued.</i>		
Electoral Division Societies, 7 at 350	2,450 00	
Fruit Growers' Association	500 00	
Entomological Society	500 00	
Agricultural Association	10,000 00	
Mechanics' Institutes	15,000 00	
For sundry services in connection with Agriculture and Arts,— such as investigations of diseases in animals and crops, and of ravages of insects; and for agricultural instruction, dairy products, and other charges not otherwise provided for	1,000 00	
Total for Agriculture and Arts		81,100 00
<i>IMMIGRATION.</i>		
Agencies in British Isles, lectures, and printing	10,000 00	
Agencies in Ontario and Quebec City, and expenses	8,000 00	
Carriage of Immigrants in Canada	7,000 00	
Assistance to promote Immigration	50,000 00	
Incidental expenses	5,000 00	
Total for Immigration		80,000 00
<i>HOSPITALS AND CHARITIES.</i>		
(Upon condition that each Institution shall have returned to the Provincial Secretary such particulars for the year 1871, as may be required in the form furnished by him.)		
<i>Details.</i>		
Aid to Toronto Hospital	6,400 00	
“ Do for County patients	4,800 00	
“ House of Industry, Toronto	2,900 00	
“ Protestant Orphans' Home and Female Aid Society, Toronto	640 00	
“ Roman Catholic Orphan Asylum, Toronto	640 00	
“ Lying-in-Hospital do	480 00	
“ Magdalene Asylum do	480 00	
“ House of Providence do	320 00	
“ Girls' Home and Public Nursery do	320 00	
“ Boys' Home do	320 00	
“ Eye and Ear Infirmary do	1,000 00	
“ General Hospital, Kingston	4,800 00	
“ House of Industry and Refuge for Indigent Sick, Kingston	2,400 00	
“ Orphans' Home do	640 00	
“ Hotel-Dieu Hospital do	800 00	
“ General Hospital, London	2,400 00	
“ Roman Catholic Orphan Asylum, London	640 00	
“ City Hospital, Hamilton	4,800 00	
“ Roman Catholic Orphan Asylum, Hamilton	640 00	
“ Orphan Asylum and Ladies' Benevolent Society, Hamilton	640 00	
“ House of Refuge do	720 00	
“ Protestant Hospital, Ottawa	1,200 00	
“ Roman Catholic Hospital, Ottawa	1,200 00	
“ St. Patrick's Orphan Asylum, Ottawa	480 00	
“ Protestant Orphan Asylum do	480 00	
“ St. Joseph's Orphan Asylum do	480 00	
“ Magdalen Asylum, Ottawa	480 00	
“ General Hospital, St. Catharines	1,000 00	
Total for Hospitals and Charities		42,100 00
<i>Carried forward</i>		1,541,134 24

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		1,541,134 24
LITERARY AND SCIENTIFIC INSTITUTIONS.		
Aid to Canadian Institute, Toronto	750 00	
do do Ottawa	300 00	
do Athenæum do	300 00	
do to promote scientific research	500 00	
Total for Literary and Scientific Institutions		1,850 00
EDUCATION.		
Public and Separate Schools.....	200,000 00	
Poor Schools	6,000 00	
For Encouragement of Agricultural Instruction.....	3,000 00	
Normal and Model Schools, Salaries	14,845 00	
Do Contingencies	8,800 00	
High Schools	72,000 00	
Libraries, Apparatus and Prizes	38,500 00	
Depository, Salaries.....	3,670 00	
Do Contingencies	2,330 00	
Superannuated Teachers	8,000 00	
Do Additional, as per detail in Supplemen- tary Estimate	4,000 00	
Museum (including fuel).....	3,850 00	
Journal of Education	2,530 00	
High School Inspection	4,000 00	
Public School Inspection.....	26,550 00	
Collegiate Institutes.....	6,000 00	
Education Office, Salaries	12,313 00	
Do Contingencies and repairs.....	5,630 00	
Total for Education		422,018 00
UNFORESEEN AND UNPROVIDED.		
To meet unforeseen and unprovided expenses		50,000 00
MISCELLANEOUS.		
To pay money wrongfully estimated. Queen vs. Clark.....	458 00	
To pay for alterations in Lindsay Jail, made necessary by erroneous approval of the Government Inspector	2,700 00	
Collecting Revenue from sale of Law Stamps	300 00	
“ “ Tavern and Shop Licenses	200 00	
“ “ Marriage Licenses	1,000 00	
“ “ Municipal Loan Fund.....	1,500 00	
“ “ Algoma Land Tax	800 00	
Printing and Postage, Municipalities Fund	200 00	
Payment of School Land deductions	20,000 00	
Expenses of award	15,000 00	
Reward for apprehension of the murderers of Thomas Scott, Red River Settlement	5,000 00	
<i>Additional—Supplementary Estimates, 1872.</i>	47,158 00	
To aid the Ontario Rifle Association	500 00	
To pay Insurance on Public Buildings.....	5,000 00	
Total Miscellaneous		52,658 00
<i>Carried forward</i>		2,067,660 24

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		2,067,660 24
MUNICIPALITIES FUND.		
Collections from sales of Clergy Reserves in 1871.....	\$85,038 20	
Less—20 per cent cost of management.....	17,007 64	
	68,030 56	
Total for Municipalities Fund		68,030 56
CROWN LANDS EXPENDITURE.		
Board of Surveyors.....	400 00	
Agents' Salaries and Disbursements.....	30,000 00	
Do do arrears of 1871.....	2,315 66	
Inspectors valuing lands	10,000 00	
Do for services in 1871. }	1,000 00	
Amount of accounts not rendered. }		
Refunds	30,000 00	
Claims for lands twice sold	5,000 00	
Survey as follows :—		
Township of Effingham.....	3,000 00	
Do Lyell	3,000 00	
Do Sabine	3,000 00	
Do Brown	2,500 00	
Do McKenzie.....	2,400 00	
Do Fergusson.....	1,000 00	
Do Carling	2,000 00	
Do Brougham.....	2,500 00	
Do Southampton Park Lots	400 00	
Defining and surveying lines between Licensed Territory and the Crown Domain.....	7,500 00	
Two Townships, Lake Superior.....	7,000 00	
Balance required to complete surveys now in progress.....	5,000 00	
	118,015 66	
<i>Additional—Supplementary Estimates, 1872.</i>		
To pay Inspectors valuing Lands.....	10,000 00	
Total for Crown Lands Expenditure		128,015 66
TECHNOLOGICAL COLLEGE.		
Salaries	5,000 00	
Gas	600 00	
Fuel	400 00	
Water	200 00	
Ordinary repairs and incidentals	200 00	
Housekeeper	600 00	
Total for Technological College		7,000 00
LAND IMPROVEMENT FUND AND COMMON SCHOOL FUND.		
Moneys collected from the sale of Crown Lands, subject to the Land Improvement Fund, for the year ending 30th June, 1871.....	\$50,828 59	
Less— $\frac{4}{5}$, leaving $\frac{1}{5}$ to the Land Improvement Fund.....	40,662 87	
<i>Carried forward</i>	10,165 72	
<i>Carried forward</i>		2,270,706 46

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		2,270,706 46
LAND IMPROVEMENT FUND AND COMMON SCHOOL FUND—Continued.		
<i>Brought forward</i>	10,165 72	
Less—6 per cent. for cost of Collection and Management	609 94	
	9,555 78	
Moneys collected from the sale of Common School Lands, subject to the Land Improvement Fund, for the year ending 30th June, 1871.....	53,880 33	
Less—6 per cent. for Collection and Management...	3,232 81	
	50,647 52	
To be distributed as follows, viz.—		
$\frac{1}{4}$ to the Land Improvement Fund	12,661 88	
$\frac{3}{4}$ to the Dominion Government, to be added to the Common School Fund.....	37,985 64	
Moneys collected from the Sale of Grammar School Lands, subject to the Land Improvement Fund, from the 1st July, 1867, to the 30th June, 1871	8,416 87	
Less—6 per cent. for Collection and Management..	505 01	
	7,911 86	
Less— $\frac{3}{4}$, leaving $\frac{1}{4}$ to the Land Improvement Fund.....	5,933 89	
	1,977 97	
Total for Land Improvement and Common School Fund		62,181 27
Total.....		2,332,887 73

SCHEDULE “ B.”

Sums granted to Her Majesty by this Act to make good certain Payments and Expenditures for the years 1870 and 1871, and a statement of the purposes for which they were granted.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
SERVICES OF 1871.		
<i>Civil Government.</i>		
Government House.....	160 97	
<i>Legislation.</i>		
Parliament Buildings, repairs, &c.....	538 16	
<i>Administration of Justice.</i>		
Miscellaneous Justice.—For Registry Offices, Lock-up Houses and purchase of ground at Parry Sound and Thunder Bay		
Re-vote, unexpended balance.....	289 95	
Additional required to complete service of 1871	1,710 05	
	2,000 00	
<i>Public Works and Buildings.</i>		
London Lunatic Asylum Building	2,477 41	
Furniture and fixtures	3,529 39	
	6,006 80	
Deaf and Dumb Institute Building	2,587 37	
Furniture and fixtures	458 00	
	3,045 37	
Asylum for Adult Idiots	1,848 44	
Model School building	7,261 77	
Lock on Rosseau River, Re-vote, unexpended balance	481 93	
Additional required to complete service of 1871.....	371 47	
	853 40	
Lock at Young's Point	120 15	
Roads in the Township of Ryerson	891 00	
London Lunatic Asylum—Maintenance	1,351 73	
Deaf and Dumb Institution—Maintenance	2,776 86	
<i>Agriculture and Arts.</i>		
Mechanics' Institutes	2,591 14	
<i>Education.</i>		
To pay Examiners of Public School Teachers arrears.....	300 00	29,745 79
SERVICES OF 1870.		
<i>To cover amounts expended in excess of appropriation, as per Public Accounts.</i>		
Balance to be provided for in 1872, to complete the services of 1870, as per Statement No. 27, Public Accounts of 1870.....		
<i>Carried forward.....</i>		29,745 79

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		29,745 79
REGISTRAR-GENERAL'S DEPARTMENT.		
Joseph Lesslie, Postages, Registrar-General's Office, to 31st Dec., 1870.....	122 05	
H. S. Crewe, services as Clerk in Registrar-General's Office, to 31st December, 1870	669 17	
Hunter, Rose & Co., Printing for Registrar-General's Office	971 66	
Hon. E. B. Wood, to pay Registrars of births, deaths and marriages..	3,700 00	
H. S. Crewe, Cab hire and express charges, <i>re</i> do. do.	90 59	
W. Firstbrook, boxes supplied for Forms, <i>re</i> do. do.	13 64	
Hon. M. C. Cameron, to pay Registrars of do. do.	108 63	
J. R. Armstrong & Co., stove for Registrar-General's vault	10 08	
John Notman, Stationery for do.	26 65	
AUDITOR'S OFFICE.		
W. R. Nursey, services as Clerk in Auditor's Office, to 31st Dec., 1870	734 00	
Robertson & Cook, Printing Circulars.....	3 00	
SERVICES OF 1871.		
Balance to be provided for in 1872, to complete the services of 1871, as per Statement No. 27, Public Accounts of 1871.....		
CIVIL GOVERNMENT.		
Government House.....	516 17	
Lieutenant-Governor's office—Contingencies.....	5 80	
Attorney-General's office do.	151 74	
Secretary and Registrar's office do.	31 31	
Public Works Department do.	199 82	
Inspector of Prisons' office do.	65 55	
Do. Clerk.....	84 00	
Queen's Printer's Office—Contingencies	22 17	
LEGISLATION.		
Sessional Writers, &c.	2,212 85	
Contingencies and Repairs	1,656 85	
ADMINISTRATION OF JUSTICE.		
Court of Chancery—Salaries	1,273 66	
Do. Contingencies.....	261 56	
Court of Queen's Bench do.	283 21	
PUBLIC WORKS AND BUILDINGS.		
London Lunatic Asylum.....	1,581 79	
Deaf and Dumb Institute, Belleville.....	551 88	
Young's Point Lock	2 07	
Normal and Model Schools	1,013 50	
Washago and Gravenhurst Road	177 91	
ASYLUM MAINTENANCE.		
Deaf and Dumb Asylum, Belleville	1,068 06	
<i>Carried forward</i>	17,609 37	29,745 79

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	17,609 37	29,745 79
EDUCATION.		
Preparing Examination Papers—Public School Teachers.....	600 00	
CHARGES ON REVENUE.		
Refunds.....	8,098 82	
MISCELLANEOUS	3,131 75	29,439 94
Total.....		59,185 73

CAP. II.

An Act to make further provision touching the Election of Members to the Legislative Assembly.

[Assented to 2nd March, 1872.]

WHEREAS it is expedient to make further provision touching the election of members to the Legislative Assembly;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Resignation of seats by members before meeting of the House.

1. If any person returned as elected to the Legislative Assembly for one or more constituencies at a general election, wishes to resign his seat, or any one of his seats, before the first meeting of the Assembly thereafter, he may address, or cause to be addressed, to any two members elect of the Legislative Assembly, a declaration of his intention to resign the seat, made in writing under his hand and seal before two witnesses; and such two members, upon receiving such declaration, shall forthwith address their warrant, under their hands and seals, to the Clerk of the Crown in Chancery, for the issue of a new writ for the election of a member in the place of the member so notifying his intention to resign, and such writ shall issue accordingly; and the member so tendering his resignation shall be held to have vacated the seat, and shall cease to be a member of the house in respect to the seat so vacated.

When resignation may be had.

2. But no member elect shall so tender his resignation for a seat, in respect of which his election is lawfully contested, nor until after the expiration of twenty-one days from the time the return of his election is made to the Clerk of the Crown in Chancery.

New election not to affect the right to contest previous election.

3. The election to be held under such writ shall not in any manner affect the right of any person entitled to contest the previous election and claim the seat; and the judge trying such previous election shall determine whether the member, who has so resigned, or any other person, was duly returned or elected thereat; which determination, if adverse to the return of such member, and in favour of any other candidate, shall avoid the election held under the first section, and the candidate declared duly elected at the previous election shall be entitled to take his seat as if no such subsequent election had been held.

Issue of writ for new election.

4. Forthwith after the receipt by the Speaker, or (in case there is no Speaker) by the Clerk of the House, of a certificate of the Judge determining any election petition and certifying that

that the election was void, the Speaker or Clerk, as the case may be, shall address his warrant under his hand and seal to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a member for the constituency the election in which has been certified to be void, and such writ shall issue accordingly.

5. The proceedings taken under this Act by the Speaker or Clerk shall be reported by the Speaker to the Legislative Assembly at the earliest practicable time, and shall be forthwith entered on the journals of the Legislative Assembly.

Proceedings to be reported to Legislative Assembly.

6. In case any person returned as elected is by the certificate of the judge, appointed to try an election petition in respect of the election determined not to have been duly returned or elected, such person shall not thereafter sit or vote in the Legislative Assembly.

Persons declared not elected not to sit or vote.

7. In case any person other than the person returned as elected, is by the certificate of the judge appointed to try an election petition, determined to have been duly returned or elected such person shall thereupon be entitled to sit and vote in the Legislative Assembly.

Persons declared elected by judge may sit and vote.

8. The Speaker shall forthwith after the receipt of any certificate from the judge determining any election petition communicate the same to the Clerk for his guidance as to the persons entitled to take the oath and sign the roll as members.

Speaker to communicate to Clerk who is entitled to take the oath, etc.

9. No writ shall issue under any of the provisions of this Act during a session of the Legislative Assembly.

Writ not to issue during session.

CAP. III.

An Act further to secure the Independence of the Legislative Assembly.

[Assented to 2nd March, 1872.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Except as hereinafter specially provided, no person accepting or holding any office, commission or employment of profit at the nomination of the Crown, or of the Government, or of any head of a Department in the Government of Ontario, whether such profit be or be not payable out of the public funds,

Persons holding office, &c. under the Crown ineligible as members.

funds, shall be eligible as a member of the Legislative Assembly, nor shall he sit or vote in the same during the time he holds such commission or employment.

Certain persons not disqualified.

2. Nothing in the first section of this Act shall render ineligible, or disqualify to sit or vote, any of the persons expressly excepted by the second and third sub-sections of the first section of the "Act to secure the independence of the Legislative Assembly," or any justice of the peace or notary public, unless otherwise disqualified.

Executive Councillors disqualified until re-elected.

3. In case any member of the Legislative Assembly becomes a member of the Executive Council, in addition to those appointed to the five departmental offices established by the British North America Act, 1867, his election shall thereby become void, and his seat shall be vacated, and a writ shall, in the manner provided by the thirteenth and fourteenth sections of the "Act to secure the Independence of the Legislative Assembly" issue for a new election; but any person being such member of the Executive Council may be elected as a member of the Legislative Assembly unless otherwise disqualified; but the Executive Council shall not at any time consist of more than six members.

Executive limited to six members.

32 V. c. 4, ss. 4, 5, 13 and 14 to apply to persons disqualified.

4. The fourth, fifth, thirteenth and fourteenth sections of the "Act to secure the Independence of the Legislative Assembly," shall apply to the cases of persons by this Act made ineligible or disqualified, and of vacancies occurring under the operation of this Act.

Exception to effect of Sec. 1

5. Nothing in the first section of this Act shall render ineligible, or disqualify to sit or vote, any person now being a member of the Legislative Assembly who was at the time of his election holding an office, commission or employment, which would, but for this section, disqualify him.

CAP. IV.

An Act to render Members of the House of Commons of Canada ineligible as Members of the Legislative Assembly of Ontario.

[Assented to 2nd March, 1872.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. If any person, being a member of the Legislative Assembly, shall, after the dissolution of the present House of Commons of Canada, sit or vote as a member of the said House of Commons, his election to the Legislative Assembly shall thereby become void and his seat shall be vacated, and he shall become incapable of sitting or voting in the Legislative Assembly, and a writ shall issue for a new election in the manner provided for in the thirteenth and fourteenth sections of the "Act to secure the independence of the Legislative Assembly;" and such person shall not be eligible for re-election as a member of the Legislative Assembly so long as he continues to be a member of the House of Commons.

Members of House of Commons ineligible to be members of the Legislative Assembly.

2. In case any person who, under this Act, is made ineligible as a member of, or incapable of sitting or voting in the Legislative Assembly, shall, while he is so ineligible or incapable, sit or vote therein, he shall thereby forfeit the sum of two thousand dollars for every day on which he so sits or votes; and such sum may be recovered from him by any person who shall sue for the same by action of debt, bill, plaint or information in any competent court of civil jurisdiction in Ontario.

Penalty for ineligible persons voting in the Legislative Assembly.

CAP. V.

An Act to allow matters to be proved under oath for the purposes of the Legislative Assembly.

[Assented to 2nd March, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any standing or select committee of the Legislative Assembly may require that facts, matters, and things relating to the subject of enquiry be verified or otherwise ascertained by the oral examination of witnesses, and may examine such witnesses upon oath, and for that purpose may administer an oath to any such witness.

Committees of Legislative Assembly may examine on oath.

2. Where witnesses are not required to be orally examined before such committee, any oath, affirmation, declaration or affidavit in writing, which is required to be made or taken by or according to any rule or order of the said Legislative Assembly, or by the direction of any such committee, and in respect to any matter or thing pending or proceeding before such committee, may be made, and taken before the Clerk of the House, the clerk of any such committee, or any Commissioner for taking affidavits in any of the Superior Courts.

Affidavits to be used by committee, before whom to be made.

CAP. VI.

An Act respecting the Law Society of Ontario.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the Law Society of Ontario have by their petition prayed that authority may be given to the said Society to establish a more efficient system of reporting the decisions of the said courts, and to extend the advantages of legal education, and to make further provision for the payment of fees to the society by those engaged in the study or practice of the law; and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Reporters to be appointed by the Benchers.

1. The Benchers of the Law Society in convocation are authorized to appoint from time to time, such persons, being members of the Law Society, of the degree of barrister at law, as they may think proper, to be editors and reporters of the decisions of the Superior Courts; who shall hold office at the pleasure of the said Benchers, and shall be amenable to them in convocation for the correct and faithful discharge of their respective duties, according to such regulations as the said Benchers shall from time to time make in respect thereof.

Benchers to make regulations regarding the reports.

2. The said Benchers in convocation shall make regulations for the printing and publishing the said reports of the said decisions, and the distribution of the said reports, and the price and mode of issuing thereof, and all such other regulations in respect thereto, as they may at any time consider necessary; and any profits arising from the said reports shall form part of the general funds of the Law Society.

Salaries of reporters.

3. The Benchers in convocation shall from time to time determine the salaries to be allowed to the said editors and reporters, and shall pay the same out of the general funds of the society.

Legal education.

4. The Benchers in convocation may make rules for the improvement of legal education; and may appoint readers and lecturers with salaries; and may impose fees and prescribe rules for the attendance of students and articled clerks at such readings or lectures, and for examinations thereon, as conditional to call to the bar, or admission as attorney; and may establish scholarships in connection therewith; and may for proficiency at examination, by rules to be established specially in that respect, diminish the number of years of studentship on the books of the society, or under articles of clerkship, but so as not to reduce the number of years for call to the bar or admission as attorney to less than three.

Term of studentship may be reduced.

5. The Benchers in convocation may by regulation require that clerks hereafter articted shall pass a preliminary examination; and the term of service under articles to entitle each articted clerk to be admitted an attorney shall date only from the passing of such examination.

Preliminary examination for articted clerks.

6. The fees payable by barristers, as term fees, and on call to the bar, and by attorneys on admission as attorneys, and by students and articted clerks on admission as such, and on examinations and attendance on lectures and readings, shall be paid into the general funds of the Law Society, and shall be such as the Law Society shall by rule from time to time prescribe.

Appropriation of certain fees.

7. The Benchers of the Law Society shall, during Hilary term in each year, furnish to each member of the Law Society entitled to vote at the election of benchers, a statement in detail of the revenue and expenditure of such Law Society, for the year ending the thirty-first day of December preceding each statement, the same to be first duly audited by auditors appointed by said benchers to audit and report upon the finances of the said Law Society.

Benchers to furnish members with details of revenue, &c.

8. The Act of the Consolidated Statutes for Upper Canada, chaptered thirty-six, and intituled "An Act respecting reporters in the Superior Courts," and the second and third subsections of section twenty-six, of the Consolidated Statutes for Upper Canada, chaptered thirty-five, and intituled "An Act respecting attorneys at law," and also the provisions of any Act inconsistent with any of the provisions of this Act, shall be and the same are hereby repealed.

Repeal of inconsistent enactments.

9. The Benchers of the Law Society in convocation, are authorized to make such compensation as they may in their discretion think fit, to any reporter, unless such reporter is appointed a reporter under this Act.

Benchers may compensate present reporters.

10. This Act shall come into force on the first day of Easter term next.

Time of commencement of this Act.

CAP. VII.

An Act to amend the Act respecting County Attorneys.

[Assented to 2nd March, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

In County of York, offices of Clerk of the Peace and Crown Attorney may be held by different persons.

1. In the County of York, the offices of Clerk of the Peace and of County Crown Attorney may respectively be held and enjoyed by different persons; and in the said county, notwithstanding any statute to the contrary, the Clerk of the Peace shall not be *ex-officio* County Attorney for said county, nor the said County Attorney *ex-officio* Clerk of the Peace.

CAP. VIII.

An Act to empower all persons to appear on behalf of others in the Division Courts in the Province of Ontario.

[Assented to 2nd March, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

All persons empowered to act as agents or advocates in Division Courts.

1. Any person may appear at the trial or hearing of any cause, matter or proceeding as agent, and advocate for, any party or parties to any such cause, matter or proceeding in the Division Courts in the Province of Ontario.

Judge may prevent any one to act as agent or advocate in certain cases.

2. The Judge or other person lawfully holding any Division Court in the Province of Ontario may, whenever in his opinion justice would appear to require it, prevent any person from appearing at the trial or hearing of any cause, matter or proceeding in the said Court, as agent and advocate for any party or parties to any such cause, matter or proceeding.

CAP. IX.

An Act to amend an Act passed in the thirty-second year of the reign of Her Majesty, and chaptered twenty-two, respecting County Courts.

[Assented to 2nd March, 1872.]

reamble.

WHEREAS it is expedient to amend the Act passed in the thirty-second year of the reign of Her Majesty, and chaptered twenty-two;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That section number three of the said recited Act is hereby repealed, and the following shall be section number three of the said Act:—

(3.) After the passing of this Act no Junior Judge shall be appointed in or for any county or union of counties in Ontario, except in any county or union of counties where the population shall exceed forty thousand, as shall appear by the official census then last taken.

2. The Junior Judge of the County Court of any county or union of counties is hereby authorized to transact such business in Chambers, in the absence thereof of the Senior Judge, as relates to matters over which the said Courts have jurisdiction, and as may, according to the course and practice thereof, be transacted by the Judges of the said Courts.

3. It shall be lawful for any Judge of a County Court, if requested so to do, and when the interests of justice seem to require it, to sit for a Judge of another County Court either at the sittings or in term, or to hear any case triable under the special or summary jurisdiction of such Judge, and the County Judge while so sitting, shall have all the powers and authority of the Judge of the County Court, within whose county or union of counties he shall be so sitting.

CAP. X.

An Act to amend the Act of the Province of Ontario respecting Superior and County Courts, passed in the thirty-fourth year of Her Majesty's reign, and chaptered twelve, and to declare the true meaning of section sixteen of the said Act.

[Assented to 2nd March, 1872.]

WHEREAS it is expedient that the Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, chaptered twelve, and intituled "An Act to amend the Act to regulate the procedure of the Superior Courts of Common Law and of the County Courts" should be amended in certain respects, as hereinafter contained; And whereas doubts have arisen as to the effect of section sixteen of the said Act, and it is expedient that such doubts should be removed;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.

34 V., c. 12, s.
3, amended.

1. Section three of the said Act is hereby amended by inserting immediately after the word "commenced" in the third line of the said section the following words, "or to one of the judges of the Superior Courts of Law sitting at Chambers."

S. 5 amended.

2. Section five of the said Act, chaptered twelve, is hereby amended by adding to the said section the words following, "or to any suit wherein the attorney for the defendant, or in case of two or more defendants, where the attorney for any one or more of them resides in a county or union of counties different from that in which the attorney for the plaintiff, or, if he prosecutes in person, in which the plaintiff resides."

Sec. 16 not to
affect 33 V.,
cap. 7, s. 7.

3. Notwithstanding the provisions and enactments in the said section sixteen of the said Act, chaptered twelve, contained, the seventh section of the Act passed in the thirty-third year of Her Majesty's reign intituled "An Act to make further provisions for carrying out the Act intituled 'The Law Reform Act of 1868,' and to regulate proceedings on writs of error and certiorari" and chaptered seven, is in full force and virtue.

CAP. XI.

An Act to declare the true construction of the Act passed in the thirteenth year of the reign of Queen Elizabeth, and chaptered five, and intituled "An Act against fraudulent deeds, alienations, &c."

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS by the first and second clauses of the Act passed in the thirteenth year of the reign of Her Majesty Queen Elizabeth, it is enacted as follows:—

Recital of ss.
1 and 2 of 13
Eliz. ch. 5.
that Convey-
ances, Judg-
ments, &c., to
hinder or de-
fraud creditors
be void.

"For the avoiding and abolishing of feigned, covinous and
"fraudulent feoffments, gifts, grants, alienations, conveyances,
"bonds, suits, judgments and executions more commonly used
"and practised in these days than hath been seen or heard of
"heretofore, which feoffments, gifts, grants, alienations, con-
"veyances, bonds, suits, judgments and executions have been
"and are devised or contrived of malice, fraud, covin, collusion
"or guile to the end, purpose and intent, to delay, hinder and
"defraud creditors and others of their just and lawful actions,
"suits, debts, accounts, damages, penalties, forfeitures, heriots,
"mortuaries, and reliefs, not only to the let or hindrance of the
"due course and execution of law and justice, but also to the
"overthrow of all true and plain dealing, bargain and chevi-
"sance between man and man, without the which no common-
"wealth

"wealth or civil society can be maintained or continued; all
 "and every feoffment, gift, grant, alienation, bargain and con-
 "veyance of lands, tenements, hereditaments, goods and chat-
 "tels, or of any of them, or of any lease, rent, common or
 "other profit or charge out of the same lands, tenements, her-
 "editaments, goods and chattels, or any of them by writing or
 "otherwise, and all and every bond, writ, judgment and execu-
 "tion, at any time had or made since the beginning of the
 "Queen's Majesty's reign, that now is or at any time hereafter
 "to be had, or made to or for any intent or purpose before de-
 "clared or expressed, shall be from thenceforth deemed and
 "taken only as against that person or persons, his or their heirs,
 "successors, executors, administrators and assigns, and every
 "of them whose actions, suits, debts, accounts, damages, pen-
 "alties, forfeitures, heriots, mortuaries, and reliefs by such
 "guileful, covinous or fraudulent devices and practices as is
 "aforesaid, are or shall or might be in any ways disturbed,
 "hindered, delayed or defrauded, to be clearly and utterly void,
 "frustrate and of none effect, any pretence, colour, feigned
 "consideration, expressing of use or any other matter or thing
 "to the contrary notwithstanding."

And whereas it is also by the sixth clause of the said Act pro-
 vided and enacted as follows:

"This Act or any thing herein contained shall not extend to
 "any estate or interest in lands, tenements, hereditaments,
 "leases, rents, commons, profits, goods or chattels had, made,
 "conveyed, or assured, or hereafter to be had, made, conveyed,
 "or assured, which estate or interest is, or shall be upon good
 "consideration and *bona fide* lawfully conveyed or assured to
 "any person or persons, or bodies politic or corporate not hav-
 "ing at the time of such conveyance or assurance to them made
 "any manner of notice or knowledge of such covin, fraud or
 "collusion as is aforesaid, anything before mentioned to the con-
 "trary thereof notwithstanding."

Recital of s.
 6, 13 Eliz. ch.
 5 that that Act
 should not ex-
 tend to any in-
 terest convey-
 ed for good
 consideration,
bona fide, with-
 out notice of
 fraud.

And whereas there are doubts as to the true construction of
 the said Act, and it is expedient to declare the true construction
 of the same;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario enacts
 as follows:

1. The first and second clauses of the said Act apply to all
 instruments executed to the end, purpose and intent in the said
 clauses set forth, notwithstanding that the same may be executed
 upon a valuable consideration and with the intention as between
 the parties to the same, of actually transferring to and for the
 benefit of the transferee the interest expressed to be thereby
 transferred, unless the same be protected under the sixth clause
 of the said Act by reason of *bona fides* and want of notice or
 knowledge on the part of the purchaser.

Valuable con-
 sideration and
 intent to pass
 the interest
 shall not alone
 prevent the
 application of
 ss. 1, 2, unless
 on acquisition
bona fide, with-
 out notice of
 fraud.

Existing instruments not affected.

2. This Act shall not apply to any instrument executed before the date of the passing of this Act.

CAP. XII.

An Act to make Debts and *Choses in action* assignable at Law.

[Assented to 2nd March, 1872.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Choses in action made assignable.

1. Every debt and chose in action arising out of contract, shall be assignable at law by any form of writing, but subject to such conditions or restrictions with respect to the right of transfer as may be contained in the original contract; and the assignee thereof, shall sue thereon in his own name in such action, and for such relief as the original holder or assignor of such *chose in action* would be entitled to sue for in any court of law in this Province.

Bonds of corporations.

2. The bonds or debentures of corporations made payable to bearer, or any person named therein or bearer, may be transferred by delivery; and such transfer shall vest the property of such bonds or debentures in the holder thereof to enable him to maintain an action thereon in his own name.

Interpretation of the word *Assignee*.

3. "Assignee" shall include any person now being or hereafter becoming entitled by any first or subsequent assignment, or any derivative or other title, to a *chose in action*, and possessing at the time of action brought the beneficial interest therein, and the right to receive and to give an effectual discharge for the moneys, or the charge, lien, incumbrance, or other obligation thereby secured.

Pleadings and proceedings.

4. The plaintiff in any action or suit where the assignment is required by this Act to be in writing may claim as assignee of the original party or first assignor, setting forth briefly the various assignments under which the said *chose in action* has become vested in him; but in all other respects the pleadings and proceedings in such action shall be as if the action was instituted in the name of the original party or first assignor.

Original right of set off and defences, continued.

5. In case of any assignment of a debt or chose in action arising out of contract, and not assignable by delivery, such transfer shall be subject to any defence, or set-off, in respect of the whole or any part of such claim as existed at the time of,

OR

or before notice of the assignment to the debtor or other person sought to be made liable, in the same manner and to the same extent as such defence would be effectual, in case there had been no assignment thereof; and such defence or set-off shall apply as between the debtor and any assignee of such debt or chose in action.

6. In case of any assignment in writing as aforesaid, and notice thereof given to the debtor or other person liable in respect of a chose in action, arising out of contract, the assignee shall have, hold, and enjoy the same, free from any claims, defences, or equities which might arise after such notice as against his assignor.

Assignee entitled free from contra claims to arise after notice to the person liable.

7. This Act shall not be construed to apply to bills of exchange or promissory notes.

Act not to apply to bills and notes.

8. This Act shall take effect on, from and after the first day of April next; and shall not affect any suits or proceedings heretofore taken or pending.

When the Act shall apply.

CAP. XIII.

An Act to provide for the institution of suits against the Crown by Petition of Right, and respecting procedure in Crown Suits.

[Assented to 2nd March, 1872.]

WHEREAS it is expedient to make provision for proceeding by petition of right in this Province and to assimilate the proceedings on such petitions and in proceedings in behalf of the Crown, as nearly as may be to the course of practice and procedure now in force in actions and suits between subject and subject;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A petition of right may, if the suppliant thinks fit, be intituled in any one of the superior courts of common law or equity at Toronto, in which the subject matter of such petition or any material part thereof would have been cognizable if the same had been a matter in dispute between subject and subject, and shall state in the margin the venue for the trial of such petition; and such petition shall be addressed to Her Majesty in the form or to the effect in the schedule (No. 1) to this Act annexed, and shall state the christian and surname and usual place

Form of petition of right.

place of abode of the suppliant and of his solicitor or attorney, if any, by whom the same shall be presented, and shall set forth with convenient certainty the facts entitling the suppliant to relief, and shall be signed by such suppliant, his counsel or attorney.

Petition to be submitted to Lieut.-Governor for his fiat.

2. The said petition shall be left with the Provincial Secretary, in order that the same may be submitted to the Lieutenant-Governor for his consideration, and in order that the Lieutenant-Governor, if he shall think fit, may grant his fiat that right be done; and no fee or sum of money shall be payable by the suppliant on so leaving such petition or upon his receiving back the same.

Proceedings after fiat is obtained.

3. Upon the Lieutenant-Governor's fiat being obtained to such petition, a copy of such petition and fiat shall be left at the office of the Attorney-General, with an endorsement thereon in the form or to the effect in the schedule (No. 2) to this Act annexed, praying for a plea or answer on behalf of Her Majesty within twenty-eight days.

Time for pleading or demurring.

4. The time for answering, pleading or demurring to such petition, on behalf of Her Majesty, shall be the said period of twenty-eight days after the same with such prayer of a plea or answer as aforesaid shall have been left at the office of the said Attorney-General, or such further time as shall be allowed by the court or a judge; Provided always, that it shall be lawful for the court in which the petition was originally intituled, or a judge in chambers, on the application of the Attorney-General or of the suppliant to change the court in which such petition shall be prosecuted, or the venue for the trial of the same.

Change of court or venue.

Provisions where the subject matter previously granted by the Crown.

5. In case any such petition of right shall be presented for the recovery of any real or personal property, or any right in or to the same, which shall have been granted away or disposed of by or on behalf of Her Majesty or her predecessors, a copy of such petition, allowance and fiat shall be served upon or left at the last or usual or last known place of abode of the person in the possession, occupation or enjoyment of such property or right, endorsed with a notice of the form set forth in the schedule (No. 3) to this Act annexed, requiring such person to appear thereto within eight days, and to plead or answer thereto in the court in which the same shall be prosecuted, within fourteen days after the same shall have been so served or left as aforesaid, and it shall not be necessary to issue any *scire facias* or other process to such person for the purpose of requiring him to appear and plead or answer to such petition, but he shall, within the time so limited, if it be intended by him to contest such petition, enter an appearance to the same in the form set forth in schedule (No. 4) to this Act annexed, or to the like effect, and shall plead, answer, or demur to the said

said petition within the time specified in such notice, or such further time as shall be allowed by the court or a judge.

6. Such petition may be answered by way of answer or Pleadings. demurrer in the court of equity, or in a court of common law, by way of plea or demurrer, or by both pleas and demurrer, by or in the name of Her Majesty's Attorney-General on behalf of Her Majesty, and by or on behalf of any other person who may, in pursuance hereof, be called upon to plead or answer thereto, in the same manner as if such petition when prosecuted in a court of equity were a bill filed therein, and as if such petition when prosecuted in a court of common law were a declaration in a personal action, and without the necessity for any inquisition finding the truth of such petition on the right of the suppliant; and such and the same matter as would be sufficient ground of answer or defence in point of law or fact to such petition on the behalf of Her Majesty, may be alleged on behalf of any such other person, as aforesaid, called on to plead or answer thereto.

7. Any issue of fact or assessment of damages to be tried or had under this Act, and which would but for this section be tried or had by a judge with a jury, shall be tried or had by a judge without a jury. Rules of superior courts to apply.

8. So far as the same may be applicable, and except in so far as may be inconsistent with this Act, the laws and statutes in force as to pleading, evidence, hearing and trial, security for costs, amendment, arbitration, special cases, the means of procuring and taking evidence, set off, appeal and proceedings in error, in suits of equity, and in personal actions between subject and subject, and the rules, orders, practice and course of procedure of the said courts of law and equity respectively for the time being in reference to such suits and personal actions, shall, unless the court in which the petition is prosecuted shall otherwise order, be applicable and apply and extend to such petition of right. Rules of pleading, &c.

9. In case of a failure on the behalf of Her Majesty, or of any such other person as aforesaid called upon to answer or plead to such petition, to plead, answer, or demur in due time, either to such petition, or at any subsequent stage of the proceedings thereon, the suppliant shall be at liberty to apply to the court or a judge for an order that the petition may be taken as confessed; and it shall be lawful for such court or judge, on being satisfied that there has been such failure to plead, answer, or demur in due time, to order that such petition may be taken as confessed, as against Her Majesty, or such other party so making default; and in case of default on the behalf of Her Majesty, and any other such person (if any) called upon, as aforesaid, to answer or plead thereto, a decree may be made by the court, or leave may be given by the court In default of plea, etc., applicant to take petition pro confesso.

court, on the application of the suppliant, to sign judgment in favour of the suppliant; Provided always that such decree or judgment may afterwards be set aside by such court or a judge, in their or his discretion, upon such terms as to them or him shall seem fit.

The judgment
or decree.

10. Upon every such petition of right, the decree or judgment of the court, whether given upon demurrer, upon the pleadings, or upon a default to answer or plead in time, or after hearing or verdict, or otherwise, shall be that the suppliant is or is not entitled either to the whole, or to some portion of the relief sought by his petition, or such other relief as the court may think right, and such court may give a decree or judgment that the suppliant is entitled to such relief, and upon such terms and conditions (if any) as such court shall think just.

When judgment to be
equivalent to
amoveas manus

11. In all cases in which the judgment, commonly called a judgment of *amoveas manus*, was formerly in England pronounced or given upon a petition of right, a judgment that the suppliant is entitled to relief, as hereinbefore provided, shall be of such and the same effect as such judgment of *amoveas manus*.

Costs against
suppliant.

12. Upon any such petition of right, the Attorney-General, or other person appearing on behalf of Her Majesty, and every such other person as aforesaid, who shall appear, and plead, answer, or demur, shall be entitled respectively to recover costs against the suppliant, in the same manner, and subject to the same restrictions and discretion, and under the same rules, regulations and provisions, so far as they are applicable, as are or may be usually adopted, or in force, touching the payment or receipt of costs in proceedings between subject and subject; and for the recovery of such costs, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon judgments in personal actions, or decrees, rules or orders, shall and may be prosecuted, sued out, and executed respectively by or on behalf of Her Majesty, and of such other person, as aforesaid, as shall appear and plead to such petition; and any costs recovered on behalf of Her Majesty, shall be paid to the Provincial Treasurer.

Costs to sup-
pliant.

13. Upon any such petition of right, the suppliant shall be entitled to costs against Her Majesty, and also against any other person appearing or pleading, or answering to any such petition of right, in like manner, and subject to the same rules, regulations and provisions, restrictions and discretion, so far as they are applicable, as are or may be usually adopted, or in force, touching the right to recover costs in proceedings between subject and subject; and for the recovery of any such costs from any such person, other than Her Majesty, appearing or pleading, or answering in pursuance hereof to any such petition

tion of right, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon rules, orders, decrees or judgments in personal actions between subject and subject, shall and may be prosecuted, sued out, and executed on behalf of such suppliant.

14. Whenever upon such petition of right, a judgment, order, or decree shall be given or made that the suppliant is entitled to relief, and there shall be no re-hearing, appeal, or writ of error, and whenever upon a re-hearing, appeal, or proceedings in error, a judgment, order, or decree shall be affirmed, given or made, that the suppliant is entitled to relief, and whenever any rule or order shall be made, entitling the suppliant to costs, any one of the judges of the court, in which such petition shall have been prosecuted, shall and may, upon application in behalf of the suppliant, after the lapse of fourteen days from the making, giving or affirming of such judgment or decree, rule or order, certifying to the Provincial Treasurer the tenor and purport of the same, in the form in the Schedule (No. 5) to this Act annexed, or to the like effect; and such certificate may be sent to, or left at the office of the Provincial Treasurer.

If judgment be for relief, etc., judge to certify to Provincial Treasurer.

15. It shall be lawful for the Provincial Treasurer, and he is hereby required to pay the amount of any moneys and costs as to which a judgment or decree, rule or order, shall be given or made that the suppliant in any such petition of right is entitled thereto, and of which judgment or decree, rule or order, the tenor and purport shall have been so certified to him as aforesaid, out of any moneys in his hands, for the time being legally applicable thereto, or which may be thereafter voted by the Legislature for that purpose.

Payment by Provincial Treasurer.

16. It shall be lawful for the judges of the said courts of law and equity respectively, from time to time to make all such general rules and orders in their said respective courts of law and equity, for regulating the pleading and practice on such petitions of right; and for the effectual execution of this Act; and of the intention and object hereof; and for fixing the costs to be allowed for and in respect of the several matters herein contained, and the performance thereof; and for the government and conduct of the officers of their respective courts in and relating to the distribution and performance of the duties and business to be done or performed in execution of this Act as such judge, may think fit, reasonable, necessary or proper; and to frame such writs and forms of proceedings as to them may seem expedient for the purpose aforesaid.

Judges of superior courts to make rules, etc.

17. In the construction of this Act, the word "court" shall be understood to mean any one of the superior courts of common law or equity at Toronto, in which any such petition is presented; the word "relief" shall comprehend every species

Interpretation

of

of relief claimed or prayed for in any such petition of right, whether a restitution of any incorporeal right, or a return of lands or chattels, or a payment of money or damages or otherwise; and the word "judge" shall be understood to mean a judge of any of the said courts respectively.

Forms and
procedure in
Crown suits.

18. The procedure and forms which are or may, from time to time, be in force for the prosecution of rights, claims or demands, or for the recovery of the possession of any lands, deeds or personal property between subject and subject, may be used in the like cases for the prosecution of rights, claims or demands, which Her Majesty may have against any person or persons, body or bodies corporate, or for the recovery of the possession of any lands, deeds or personal property whereto Her Majesty claims to be entitled.

Defendant
may compel
Attorney-
General to
proceed.

19. In any action, suit or proceeding commenced under the provisions of the next preceding section, the defendant shall be entitled to require Her Majesty's Attorney-General to defend, reply, or otherwise answer the last pleading of the defendant, and to proceed to trial in the same manner and within the same times as may be limited as between subject and subject, and may, in the event of default, by leave of the court or a judge, sign judgment of *non-pros.*

Short title.

20. In citing this Act in any instrument, document or proceeding, it shall be sufficient to use the expression, "The ^Petitions of Right and Crown Procedure Act, 1872."

Suppliant
may proceed
as heretofore.

21. Nothing in this Act contained shall prevent any suppliant from proceeding as before the passing of this Act.

SCHEDULES REFERRED TO IN THE FOREGOING ACT.

No. 1.

Petition.

In the Queen's Bench (*or* Common Pleas *or* in Chancery).

To the Queen's most excellent Majesty.

County of York, {

To Wit: { The humble petition of *A.B.*, of
by his attorney, *E.F.*, of
sheweth that (state the facts).

Conclusion.

Your suppliant therefore humbly prays that, &c.

Dated the day of *A. D.*

(Signed)

A.B.

or C.D., counsel for *A.B.*
or E.F., attorney for *A.B.*

No.

No. 2.

The suppliant prays for a plea or answer on behalf of Her Majesty, within twenty-eight days after the date hereof or otherwise, that the petition may be taken as confessed.

No. 3.

To *A.B.*

You are hereby required to appear to the within petition in Her Majesty's court of Queen's Bench (*or* Common Pleas *or* Court of Chancery) within eight days, and to plead or answer thereto within fourteen days after the date hereof.

Take notice that if you fail to appear or plead or answer in due time the said petition may, as against you, be ordered to be taken as confessed.

Dated, &c.

No. 4.

In the Queen's Bench (*or* Common Pleas) Petition of Right.

<i>A.B.</i> suppliant <i>vs.</i> The Queen.	{	<i>C.D.</i> appears in person. <i>C.D.</i> attorney for <i>E.F.</i> ,
---	---	--

appears for him.

If the appearance be in person the address of the party appearing to be given.

Entered the day of , 187 .

No. 5.

To the honourable the Treasurer of Ontario.

Petition of right of *A.B.* in Her Majesty's Court of Queen's Bench (*or* Common Pleas *or* Court of Chancery) at Toronto.

I humbly certify that on the day of
A.D., it was by the said Court of Queen's Bench (Common Pleas *or* Court of Chancery) adjudged (*or* decreed *or* ordered) that the above named suppliant was entitled to, &c.

Judge's signature.

CAP. XIV.

An Act to amend the law respecting the issue of the Prerogative Writ of Mandamus.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS in many cases very great injustice is done by the delay in the issue of the Prerogative Writ of Mandamus; and whereas it is necessary to devise a more speedy and summary method for the issue of the same:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Judge may issue writ of peremptory mandamus.

1. In all cases in which the Court has jurisdiction to issue the Writ of Peremptory Mandamus, it shall be the duty of the judge, provided he be of opinion that the case is a proper one for the issue of the same, either in term time or in vacation, to make an order for the issue of the said writ under this Act from the Court in the first instance and without a writ *nisi*, and the said writ, when issued, shall have the same force and effect as if it had been issued by rule of the Court.

Application for writ.

2. The application for the said writ shall be made upon affidavit to a judge, who shall have authority to issue a summons calling upon any person who may, in his judgment, be affected by the writ, if issued, to show cause why the same should not be issued.

Service and direction of writ.

3. Such summons may be served upon the person or party named therein, either personally or by substitution, as may be directed by the judge, in the same manner as a writ of summons.

Manner of applying.

4. The application may be made upon hearing by the parties, either in person or by counsel.

Filing affidavits

5. Affidavits may be filed in answer to the application, and in reply, according to the present practice on chamber applications.

Cross-examination of deponents.

6. Every deponent whose affidavit is so filed shall be liable to cross-examination and re-examination upon the same, in presence of counsel for, or after notice to all parties, either before the judge or before any officer of the said Court to be named by the judge, and the evidence shall be reduced to writing, returned into Court, and used on the hearing of the application.

Issue of writ.

7. Upon hearing the parties who appear, or their counsel, and after service of the said summons upon all proper persons as hereinbefore provided, the judge shall, if in his opinion it is a proper case

case for the issue of the said writ, order the issue of the same, and shall by his order direct what is to be done and performed by the person or party to whom the writ is directed, and the writ shall conform to the order; but if in his opinion the application should be refused, the said summons shall be discharged.

8. The judge shall have the same power in vacation to enforce obedience to the said writ by attachment, to be issued from the Court, as the Court has in term time to enforce obedience to a writ issued from the Court upon a rule thereof. Enforcing writ by attachment.

9. The costs of every application under this Act, and incidental thereto, shall be in the discretion of the judge, who shall dispose of the application, and he shall make such order as to the same as to him shall seem just; and a writ of *fiery facias* may be issued from the Court to compel payment of the said costs without making the judge's order a rule of Court. Costs. Execution.

10. The judges of the Superior Courts of law, or any four of them, shall, so soon as practicable after the passing of this Act, make rules for the more effectually carrying out of the same, and shall in the said rules settle the forms to be used in applications under this Act. Rules of Court. Forms.

11. No part of the jurisdiction hereby conferred upon the judges shall be exercised by the Clerk of the Crown sitting in Chambers; and nothing in this Act contained shall prevent any person from applying to the Court for the said writ according to the present practice. Clerks of the Crown not to grant writ.

12. Any order made by a judge under this Act shall be subject to appeal to the Court; and the judgment of the Court upon such shall be subject to a further appeal to the Court of Error and Appeal. Appeal.

13. The affidavits upon which the application is made shall be entitled either in the Queen's Bench or in the Common Pleas, and all subsequent proceedings shall be entitled in the Court in which the affidavits on which the application is made were entitled; and the word "Court" in this Act shall in each such case mean either the Court of Queen's Bench or the Court of Common Pleas, as the case may be. Entitling affidavits. Interpretation of the word "Court."

14. The word "judge" in this Act shall mean a judge of either of the Superior Courts of law. Interpretation of the word "Judge."

CAP. XV.

An Act further to amend the Law relating to Property and Trusts.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS doubts may exist as to the construction of the thirty-third section of the Act of the late Province of Canada, passed in the twenty-ninth year of Her Majesty's reign, intituled, "An Act to amend the law of Property and Trusts in Upper Canada," and it is expedient to remove the said doubts and to explain the operation of the said section :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Consequence
of direction
that testator's
debts be paid
out of person-
alty.

1. In the construction of the will of any person who may die after the thirty-first day of March, in the year of our Lord one thousand eight hundred and seventy-two, a general direction that the debts or that all the debts of the testator shall be paid out of his personal estate shall not be deemed to be a declaration of an intention contrary to or other than the rule established by the said Act, unless such contrary or other intention shall be further declared by words expressly or by necessary implication referring to all or some of the testator's debts or debt, charged by way of mortgage on any part of his real estate.

Interpretation
of the word
"mortgage."

2. In the construction of the said Act and of this Act the word "mortgage" shall be deemed to extend to any lien for unpaid purchase money, or any charge, incumbrance or obligation of any nature whatever upon any lands or tenements of a testator or intestate.

32 V., c. 8,
s. 3 amended.

3. Whereas by an error in the printed copy of the Act passed in the thirty-second year of the reign of Her Majesty Queen Victoria, intituled, "An Act to amend the law as to Wills," the word "not" is omitted in the beginning of the fourth line of the third section of the said Act, be it enacted that the said section be and the same is hereby amended so as to read as follows ;

"3. Every will shall be revoked by the marriage of the testator, except a will made in the exercise of a power of appointment, when the real or personal estate would not in default of such appointment pass to the testator's heir, executor or administrator, or the person entitled as the testator's next of kin, under the Statute of Distributions."

And the said section so amended shall read as if incorporated in the said Act at the time of the passing of the same ;
but

but nothing in this Act shall apply to or affect any case now pending or heretofore adjudged by any court in this Province.

CAP. XVI.

An Act to extend the rights of property of Married Women.

[Assented to 2nd March, 1872.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. After the passing of this Act, the real estate of any married woman, which is owned by her at the time of her marriage, or acquired in any manner during her coverture, and the rents, issues and profits thereof respectively, shall without prejudice and subject to the trusts of any settlement affecting the same, be held and enjoyed by her for her separate use, free from any estate or claim of her husband during her lifetime, or as tenant by the curtesy, and her receipts alone shall be a discharge for any rents, issues and profits; and any married woman shall be liable on any contract made by her respecting her real estate, as if she were a feme sole.

Tenancy by the curtesy abolished in certain cases.

2. All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceeds or profits from any occupation or trade which she carries on separately from her husband or derived from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys or property shall hereafter be free from the debts or dispositions of the husband, and shall be held and enjoyed by such married woman, and disposed of without her husband's consent, as fully as if she were a feme sole; and no order for protection shall hereafter become necessary in respect of any of such earnings or acquisitions; and the possession, whether actual or constructive, of the husband, of any personal property of any married woman, shall not render the same liable for his debts.

Personal earnings of married women protected.

3. A married woman in her own name, or that of a trustee for her, may insure for her sole benefit, or for the use or benefit of her children, her own life, or with his consent, the life of her husband for any definite period, or for the term of her or his natural life; and the amount payable under said insurance, shall be receivable for the sole and separate use of such married woman or her children as the case may be, free from the claims of the representatives of her husband, or of any of his creditors.

Married women may insure their own or husband's lives.

Insurance
by husband for
the benefit of
wife and child-
ren.

Appointment
by the Court
of Trustee, if
no other trust-
ee or executor
appointed.

Fraud in pay-
ment of pre-
miums.

Married
women may
hold stocks,
&c., and vote,

May deposit
in a bank and
check out.

Rights of hus-
band's credit-
ors to deposits.

Non-liability
of husband for
debts of the
wife.

4. A policy of insurance effected by any married man on his own life and expressed upon the face of it to be for the benefit of his wife, or of his wife and children, or any of them, or upon which he may at any time after effecting such insurance, notwithstanding a year may have elapsed, endorse thereon that the same shall be for the benefit of his wife, or of his wife and children or any of them, shall enure and be deemed a trust for the benefit of his wife for her separate use, and of his children or any of them, according to the intent so expressed, and shall not, so long as any object of the trust remains, be subject to the control of the husband or his creditors or form part of his estate, save and except for such amount as the same may be pledged to any person or persons prior to any endorsement thereon for the benefit of his wife or children, or any of them, when the sum secured by the policy becomes payable: in the event of no executor or trustee having been appointed by the husband by will, a trustee thereof may be appointed by the Court of Chancery upon the application of the wife, or in the event of her death, by the children or their guardian, and the receipt of such executor or trustee shall be a good discharge to the office in which such insurance is effected; Provided always, if it shall be proved that the policy of insurance was effected and premiums paid by the husband with intent to defraud his creditors, they shall be entitled to receive out of the sum secured an amount equal to the premiums so paid.

5. Any married woman may become a stockholder or member of any bank, insurance company, or any other incorporated company or association, as fully and effectually as if she were a feme sole, and may vote by proxy or otherwise, and enjoy the like rights, as other stockholders or members.

6. A married woman may make deposits of money in her own name in any savings or other bank, and withdraw the same by her own check; and any receipt or acquittance of such depositor, shall be a sufficient legal discharge to any such bank.

7. Nothing hereinbefore contained in reference to moneys deposited, or investments by any married woman shall as against creditors of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditors, and any money so deposited or invested may be followed as if this Act had not passed.

8. A husband shall not by reason of any marriage which shall take place after this Act has come into operation, be liable for the debts of his wife contracted before marriage, but the wife shall be liable to be sued therefor, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried; and a husband shall not be liable for any debts of his wife in respect of any employment or business in

in which she is engaged on her own behalf, or in respect of any of her own contracts.

9. A married woman may maintain an action in her own name for the recovery of any wages, earnings, money and property, by this or any other Act, declared to be her separate property, and shall have in her own name the same remedies, both civil and criminal against all persons whomsoever for the protection and security of such wages, earnings, money and property, and of any chattels or other her separate property for her own use, as if such wages, earnings, money, chattels and property belonged to her as an unmarried woman; and any married woman may be sued or proceeded against separately from her husband in respect of any of her separate debts, engagements, contracts or torts as if she were unmarried. Suits by and against married women.

10. This Act shall not affect any pending suit or proceeding. Pending suits.

11. This Act may be known as the "Married Women's Property Act, 1872." Short Title.

CAP. XVII.

An Act to amend the Act respecting Apprentices and Minors.

[Assented to 2nd March, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section four of the Act respecting apprentices and minors, chaptered seventy-six of the Consolidated Statutes for Upper Canada is hereby repealed, and the following shall be substituted for the said section, and shall be taken and read as part of the said Act :— Con. Stat. U. C., c. 76, s. 4, amended.

(4.) In a city or town, the mayor, judge of the county court or police magistrate, and in a county the judge of the county court of the county may put and bind for the like period to any person mentioned in the several sections of this Act, with the consent of such person and of the minor, any minor who is an orphan or has been deserted by his or her parents or guardian or whose parents or guardian have been for the time committed to a common gaol or house of correction, or any minor who is dependent upon public charity for support; and such apprentice and the master of such apprentice shall be held in the same manner as if the apprentice had been bound by his or her parent; and no minor who has been or shall hereafter be abandoned by his or her parent or guardian, or who is dependent upon Certain minors may be apprenticed. Parents and guardians of certain minors not to control

their custody
in certain cases
except on
order.

upon charity for support, shall hereafter be removed from any public or private charitable institution, or from the custody or control of any private person who may charitably be taking care of such minor, by the father or mother or guardian of such minor against the will of the head of such public or private charitable institution, or of such private person, without an order for such removal from a judge of one of the superior courts of law or equity, or from the judge of the county court of the county, or mayor or police magistrate of the city or town where such minor may be; and such judge or other person hereby empowered to make such order for removal, may, notwithstanding the strict legal right of the applicant to the custody and control of such minor, refuse to grant an order for the removal of such minor unless he shall be satisfied that such removal will tend to the benefit and advantage of such minor.

CAP. XVIII.

An Act to further provide for the Registration of Co-Partnerships, and of other business firms.

[Assented to 2nd March, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

A person design-
ating his
business name
as a firm to file
a declaration.

1. Every person who at the time of the passing of this Act is, or who hereafter may be, engaged in business for trading, manufacturing, or mining purposes, and who is not associated in partnership with any other person or persons, but who uses as his business style some name or designation other than his own name, or who in such style uses his own name with the addition of "and company," or some other word or phrase indicating a plurality of members in the firm, shall cause to be delivered to the Registrar of the County, City or Riding in which such person carries on or intends to carry on business, a declaration in writing, signed by such person.

Form of de-
claration.

2. Such declaration shall contain the name, surname, addition, and residence of the person making the same, and the name, style or firm, under which he carries on or intends to carry on business, and shall also state that no other person is associated with him in partnership; and shall be filed in the case of persons who before the passing of this Act use a style requiring registration under the provisions thereof, within six months of the time of the passing of this Act; and in the case of persons first using such a style, after the passing of this Act, within six months of the time when such style is first used.

Filing declara-
tion.

3. Every person required to register a declaration under the provisions of this Act, and failing to comply with the provisions thereof shall forfeit the sum of one hundred dollars, to be recovered before any court of competent jurisdiction by any person suing, as well in his own behalf as in behalf of Her Majesty; and half of such penalty shall belong to the Crown, for the use of the Province, and the other half to the party suing for the same, unless the suit be brought, as it may be, on behalf of the Crown only, in which case the whole of the penalty shall belong to Her Majesty, for the uses aforesaid.

Penalty for not filing declaration.

4. It shall be the duty of each registrar to keep two alphabetical indices of all declarations of co-partnerships delivered to him in pursuance of the provisions of the Registration of Co-Partnerships Act of 1869, and of declarations delivered to him in pursuance of the provisions of this Act.

Registrar to keep two indices.

5. In one of such books, hereinafter called the "Firm Index Book," the registrar shall enter in alphabetical order the style of the respective firms, in respect to which declarations have been delivered to him, and shall place opposite such entry the names of the person or persons composing such firm, and the date of the receipt by him of the declaration, in the manner shown in the "Firm Index Book," a form of which is exhibited in the schedule hereto.

Form of "Firm Index Book."

6. In the second of such books, hereinafter called the "Individual Index Book," the registrar shall enter in alphabetical order the names of the respective members of each of such firms, and shall place opposite such entry the style of the firm of which such person is a member, and the date of the receipt of the declaration in the manner shown in the "Individual Index Book" in the schedule hereto.

Form of "Individual Index Book."

7. Each registrar shall, immediately he is provided with books therefor, cause to be entered in such books, in due order, the names and firms mentioned in any declarations registered with him before the time that he is provided with such books, and all other arrears, and shall, after such entries have been made, from time to time, enter such declarations as the same are received.

Registrar to make entries.

8. The registrar shall be entitled to be paid by the treasurer of the municipality, whose duty it is to furnish registry books for all entries made in respect of declarations filed before such registrar is provided with registry books, at the rate of one cent per entry.

Fees to registrar for entries before registry books received.

9. Said index books shall be furnished by the treasurer of said municipality, (or in case of his default, by the registrar,) in the same manner as other registry books.

Who to furnish registry books.

Declaration
need not be
registered in
the co-partner-
ship book.

10. After all declarations registered with any registrar have been duly entered in the Firm Index Book herein provided for, it shall not be necessary for such registrar to record declarations of co-partnership in the book provided for by section five of the said Act, but the said index books shall be thereafter substituted therefor.

Registrar's
fees.

11. The registrar shall be entitled to charge for searches made in each of such books the following fees and no more : for searching in Firm Index, each firm ten cents ; for searching in Individual Index, each name ten cents ; for each certificate, when required, twenty-five cents.

Cheese manu-
facturing Co's
excepted.

12. Neither this Act nor that relating to the registration of co-partnerships Act of 1869, shall be construed to apply to associations of individuals for the manufacture of cheese and contributing produce from their dairies for that purpose.

SCHEDULE.
FIRM INDEX BOOK.

STYLE OF FIRM.	NAMES OF PERSONS COMPOSING THE FIRM.	DATE OF FILING DECLARATION.
Abbott, Black & Co.	George Abbott, John Black, Edward Cook	10th February, 1871.
Bernard, Green & Jones	John Bernard, Edward Green, John Jones	12th February, 1871.
Cook, (Thos.) & Co.	Thomas Cook, James Wilson	14th February, 1871.
Dadson, William	William Dadson, Thomas Jones, Robert Watson, William Wilberforce, James Johnson	14th February, 1871.
Dick & Co.	Richard Dick	15th May, 1872.
Dow, (Wm.) & Sons	William Dow	19th May, 1872.

INDIVIDUAL INDEX BOOK.

NAME OF INDIVIDUAL.	STYLE OF FIRM OF WHICH A MEMBER.	DATE OF FILING DECLARATION.
Abbott, George	Abbott, Black & Co.	10th February, 1871.
Black, John	Abbott, Black & Co.	10th February, 1871.
Bernard, John	Bernard, Green & Jones	12th February, 1871.
Cook, Edward	Abbott, Black & Co.	10th February, 1871.
Cook, Thomas	Thos. Cook & Co.	14th February, 1871.
Dadson, William	William Dadson	14th February, 1871.
Dick, Richard	Dick & Co.	15th May, 1872.
Dow, William	Wm. Dow & Sons,	19th May, 1872.

CAP. XIX.

An Act to amend the "Law Reform Act of 1868."

[Assented to 2nd March, 1872.]

HER Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

Law Reform
Act, 32 V. c.
6, s. 18, sub-
s. 1.

Actions of
ejectment may
be tried by a
jury.

Notice.

Construction
of s. 18, sub-
s. 1.

1. Immediately after the word "jury" in the last line but one of sub-section one of section eighteen of the Law Reform Act of 1868, there shall be inserted the following words, that is to say: "And in any action of ejectment the claimant or defendant may require the issue to be tried, and the damages, if any, to be assessed by a jury; and in that event the defendant shall file with his appearance, and the claimant shall annex to his issue book, and on the day of service of the same file in the office from which the writ of summons issued, a notice in the words following: The claimant or the defendant (as the case may be) requires that the issue in this cause be tried, and the damages, (if any) be assessed by a jury."

2. And the said sub-section shall be construed as if the said words had originally formed a part of the same.

CAP. XX.

An Act to make provision for payment of Law Fees in territorial and judicial districts by means of stamps, and to amend the Act respecting Law Fees and Trust Funds.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS it is expedient to extend the provisions of the Act intituled "An Act for the collection by means of stamps, of fees, of office dues, and duties payable to the Crown upon law proceedings and registrations," being chapter five of the Statutes of the late Province of Canada, passed in the sessions held in the twenty-seventh and twenty-eighth years of the reign of Her Majesty Queen Victoria, and of chapter nine of the statutes of Ontario passed in the thirty-third year of the said reign intituled "An Act respecting law fees and trust funds" into judicial and territorial districts:

Therefore, Her Majesty, by and with the advice and consent of

of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the first day of July next the provisions of the said Acts now in force in this Province shall apply to every court established and to every officer of any such court appointed under Chapter one hundred and twenty-eight of the Consolidated Statutes for Upper Canada; and so much of said Acts or either as prevents the same applying to any such court or officer is hereby repealed.

Acts respecting law fees extended to other courts,

2. The said provisions of the said Acts shall also, after the said first day of July next apply to every court established and to every officer of any such court appointed under the Act of the Province of Ontario, passed in the thirty-first year of the reign of Her said Majesty, chaptered thirty-five and intituled, "An Act to provide for the organization of the territorial district of Muskoka," or under the Act of the said Province passed in the thirty-third year of the reign of Her Majesty, chaptered twenty-four and intituled "An Act to provide for the organization of the territorial district of Parry Sound," or under the Act of the said Province passed in the thirty-fourth year of Her said Majesty, chaptered four, and intituled "An Act to provide for the organization of the territorial districts of Thunder Bay," or under any other Act to be passed for the organization of any portion of the territory of this Province.

and to courts in Muskoka, Parry Sound and Thunder Bay.

3. The third section of the Act respecting law fees and trust funds, in the thirty-third year of Her Majesty's reign, is hereby amended by striking out the words "fourteen thousand five hundred dollars" inserted by mistake, and substituting therefor the words "seven thousand two hundred and fifty dollars."

33 v., c. 9, s. 3, amended.

CAP. XXI.

An Act to provide for the remission of sums due to the Crown by settlers in certain Free Grant Townships.

[Assented to 2nd March, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council may remit the sums due to the Crown, in respect of their lands, by *bona-fide* settlers still in occupation of their lands, in all the Free Grant Townships (save and except the Townships of Alice, Grattan, Wilberforce

Lt.-Governor may remit sums due by settlers in Free Grant Townships

force and Minden), and place such settlers in the same position as those who settled in the Free Grant Townships under the Free Grant Regulations.

May confer powers to Commissioner of Crown Lands.

2. The Lieutenant-Governor in Council may confer upon the Commissioner of Crown Lands authority to make the remissions in the first clause mentioned, subject to the provisions thereof and of any Order in Council not inconsistent therewith.

CAP. XXII.

An Act relative to arrears due upon Common School Lands sold previously to 1st July 1867.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS it is represented that certain Common School Lands in this Province were sold at prices beyond their fair value, which prices remain unpaid, and that large arrears of interest have accumulated upon the unpaid instalments of the purchase money thereof, and that it would be unjust to enforce payment of the prices aforesaid or of all the arrears of interest aforesaid; and it is expedient that power should be given to grant relief in such cases as hereinafter provided.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Price of certain Common School Lands may be reduced.

1. The Lieutenant-Governor in Council shall have authority to reduce the price of any Common School Land sold by the Crown previously to the first day of July in the year one thousand eight hundred and sixty-seven, when it shall appear that such land has been sold at a price beyond its fair value, and that such price remains unpaid.

Abatement of interest.

2. The Lieutenant-Governor in Council shall also have authority to make such abatement as may appear equitable and just of the arrears of interest upon the unpaid instalments of the purchase money of any Common School Land sold by the Crown previously to the first day of July aforesaid; Provided that such reductions and abatements be made only in respect of, and in proportion to, the share or interest of this Province in such lands and the price thereof, and do not in any wise extend to or affect the share or interest of the Province of Quebec, in such lands or the price thereof.

Proviso

Reduction and abatement how effected.

3. That each such reduction and abatement shall be effected by paying out of the Consolidated Revenue Fund the amount

amount thereof to the party entitled thereto on his paying the full amount of the purchase money and interest.

4. Before any such reduction or abatement as aforesaid is made, the land in respect of which such reduction or abatement is proposed shall be examined and valued by one or more inspector or inspectors appointed for that purpose by the Lieutenant-Governor in Council, or by the Commissioner of Crown Lands. Inspection of lands.

5. Such reduction and abatement shall be confined to cases in which the purchaser from the Crown or person claiming under him is in occupation of such land, and is an actual settler thereon, or on land adjacent thereto. Persons entitled to a reduction.

6. The Lieutenant-Governor may, by an order in Council confer upon the Commissioner of Crown Lands authority to make such reduction or abatement as aforesaid, subject to the provisions of this Act, and subject also to such other provisions, if any, not inconsistent with this Act as may be embodied in any order in Council. Authority of Commissioner of Crown Lands to make reduction.

CAP. XXIII.

An Act to make further provision touching the appropriation of the Railway Fund.

[Assented to 2nd March, 1872.]

WHEREAS it is expedient to give the Legislative Assembly additional control over the appropriation to particular works of the fund created by the Act in aid of Railways; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Every Order in Council made after the seventh day of December, in the year one thousand eight hundred and seventy-one, authorizing payment to any railway company of any part of the said fund shall, as soon as conveniently may be after the making of such order, be laid before the Legislative Assembly for its ratification or rejection; and no such order shall be operative unless and until the same shall have been ratified by a resolution of the Legislative Assembly. Orders in Council appropriating railway fund to be submitted to the Legislature.

2. Every Order in Council made under the provisions of the Act in Aid of Railways, and of this Act, shall be published in the next following issue of the *Ontario Gazette*. Orders to be published.

CAP.

CAP. XXIV.

An Act to make further Provision in Aid of Railways.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the Legislature having established a scheme for aiding in the construction of railways, it is right that the public funds, appropriated for that purpose, should be adequate to the granting of aid to all proper enterprises, so far as that can be accomplished consistently with the retention of such a proportion of the public funds as may be requisite to do justice to all sections of the country and to an extent not greater than is provided by this Act, and whereas it is therefore expedient to make further provision in aid of Railways;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Railway fund augmented.

1. The sum of Four Hundred Thousand Dollars shall be set apart from and out of the Consolidated Revenue Fund of this Province, and shall be added to and form part of the fund designated and known as the Railway Fund, established under the Act in Aid of Railways.

Railway subsidy fund established.

2. The sum of One Hundred Thousand dollars yearly, for twenty years, shall be set apart from and out of the Consolidated Revenue Fund of this Province, and shall form a Fund to be designated and known as the Railway Subsidy Fund.

Act in aid of railways to apply.

3. The provisions of the Act in Aid of Railways, and of any Act amending the same, shall, save in so far as they may be inconsistent with the provisions of this Act, apply to the authorization and payment of any grant out of the Railway Subsidy Fund.

Grants out of fund.

4. The sum to be granted to any Railway Company out of the Railway Subsidy Fund shall not be less than one hundred and twenty dollars, or more than two hundred and forty dollars per mile per annum for twenty years on the portion aided.

Scrip.

5. Scrip or certificates may be issued in respect of any grant out of the Railway Subsidy Fund after payment thereof has been duly authorized, and the Commissioner of Agriculture and Public Works has duly reported as provided by the Act in Aid of Railways.

Railways not get aid from th funds.

6. No railway company of whose line any portion is aided from the Railway Fund, shall be entitled to aid from the Railway Subsidy Fund in respect of such portion.

7. No railway company which does not come within the terms and provisions, and comply with the conditions of the Act in Aid of Railways, and any Act amending the same, shall be entitled to aid from the Railway Subsidy Fund. Railway companies to comply with conditions.

8. No portion of the Railway Subsidy Fund, provided by this Act, shall be applied in aid of Railways until such time as Orders in Council shall have been passed exhausting the whole of the Railway Fund appropriated by this Act, and the Act passed in the thirty-fourth year of the reign of Her Majesty, Queen Victoria, and chaptered two. When Railway subsidy fund shall not be applied to aid.

CAP. XXV.

An Act to enable certain Railway Companies to provide the necessary accommodations for traffic over their Railways and to amend the Railway Act of the late Province of Canada.

[Assented to 2nd March, 1872.]

WHEREAS it may happen that a railway company may require at certain stations or places, more ample space for the proper accommodation of their traffic and of the public, than they now possess, or than they can take or acquire under the Act or Acts incorporating or applying to such company; and it is necessary in the public interest that the most ample accommodation should be furnished for such traffic: And whereas it is also expedient to make certain amendments to The Railway Act of the late Province of Canada: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Whenever any railway company subject to the Legislative authority of the Legislative Assembly of the Province of Ontario, requires at any station or place on the line of such railway, more ample space for the convenient accommodation of the public and of the traffic on the railway than they then possess, or can take without the consent of the proprietors thereof, the company may cause a plan to be made of the additional ground required at such station or place for the purposes aforesaid, not being in actual use for similar purposes by any other railway company, (and for the purpose of making such plan shall have the powers granted to railway companies for making surveys by the ninth section of The Railway Act), and may transmit such plan to the Commissioner of Agriculture and Public Works, with an application (supported by affidavit) on behalf of the company, Proceeding when more space is required for the accommodation of the traffic at any station or place.

company, referring to such plan and stating that certain ground shewn thereon is necessary for the purposes aforesaid, and that no other ground suitable for the purpose can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the Commissioner to authorize the taking thereof for such purposes under this Act; of which application ten days' notice shall be given to the owner or possessor of such property, and the correctness of the plan and the truth of the allegations in such applications shall be certified by the president or one of the directors of the company, and by their engineer; and such plan and statement shall be made and transmitted to the Commissioner in duplicate.

Certificate of Commissioner of Agriculture and Public Works required.

2. The Commissioner of Agriculture and Public Works shall inquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest, that the ground shewn on such plan, or any less quantity, should be acquired by the company: and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the office of the Commissioner.

Effect of such certificate, and application of certain provisions of The Railway Act to the land certified as necessary.

3. Upon the granting of such certificate as aforesaid by the Commissioner of Public Works, and by virtue thereof, the company shall have power to take the ground shewn on the said plan as required for the purposes aforesaid, without the consent of the proprietors; and the company and all corporations or parties who could not otherwise convey the same to the company, shall have, with respect to any such ground all the powers granted by the eleventh section of The Railway Act of the late Province of Canada, headed "lands and their valuation," to railway companies, corporations, and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said section, except such as refer to the map or plan and book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the Commissioner of Agriculture and Public Works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground or any part thereof, with or without the consent of the proprietors; and if at any time thereafter the company shall not require the whole or any portion of the land acquired under this Act for railway purposes, then such land as is not so required shall be sold by auction after thirty days' notice thereof in any local newspaper.

Sale of land taken and not afterwards required.

Proof of certificate.

4. Any such certificate as aforesaid, purporting to be signed by the said Commissioner, shall be received as authentic in all courts of law or equity, without proof of such signature or other evidence,

evidence, unless its authenticity be called in question on behalf of the Crown.

5. The arbitrators mentioned in the eleventh section of The Railway Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

Arbitrators to consider increased value of remaining lands.

6. The provisions of this Act shall apply to every railway company heretofore, or which may be hereafter incorporated, under the authority of the Legislative Assembly of the Province of Ontario

To what railways this Act applies.

CAP. XXVI.

An Act to provide for the construction of Drainage Works, and to authorize the investment of certain moneys in debentures to be issued for the construction of such works.

[Assented to 2nd March, 1872.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. In case the majority in number of the owners, as shewn by the last revised assessment roll to be resident on the property to be benefited in any part of any municipality, do petition the council for the deepening of any stream, creek, or watercourse, or for draining of the property (describing it), the council may procure an examination to be made by an engineer, or other competent person, of the stream, creek, or water-course proposed to be deepened, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or other competent person, and an assessment to be made by such engineer or person of the real property to be benefited by such deepening or drainage, stating as nearly as may be in the opinion of such engineer or person, the proportion of benefit to be derived by such deepening or drainage by every road and lot, or portion of lot: and if the council be of opinion that the deepening of such stream,

Municipal Councils may pass by-laws.

creek, or water-course, or the draining of the locality described, or a portion thereof, would be desirable, the council may pass by-laws—

for deepening
streams, and
drainage,

(1.) For providing for the deepening of the stream, creek, or water-course, or the draining of the locality ;

for borrowing
requisite
funds,

(2.) For borrowing, on the credit of the municipality, the funds necessary for the work, and for issuing the debentures of the municipality to the requisite amount, in sums of not less than one hundred dollars each and payable within ten years from date, with interest at a rate of not less than five per centum per annum ;

for levying
rate for pay-
ment,

(3.) For assessing and levying in the same manner as taxes are levied, upon the real property to be benefited by the deepening or draining, a special rate sufficient for the payment of the principal and interest of the debentures, including a sinking fund for the payment of the principal thereof, and for so assessing and levying the same, as other taxes are levied, by an assessment and rate on the real property so benefited, (including roads held by joint stock companies or private individuals,) as nearly as may be to the benefit derived by each lot or portion of lot and road in the locality : Provided always, that any person whose property has been assessed for such deepening or drainage may pay the amount of such assessment, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionably reduced ; and provided further, that any agreement on the part of any tenant, to pay the rates or taxes of the demised property, shall not apply to, or include the charges or assessments for draining under this Act, unless such agreement shall in express terms mention or refer to such charges or assessments, and as payable in respect of drainage works ; but in cases of contracts of purchase or of leases giving the lessee a right of purchase, the said charges or assessments shall be added to the price, and shall be paid (as the case may be) by the purchaser, or by the lessee in case he exercises such right of purchase ;

for providing
how assess-
ment be paid,

(4.) For regulating the times and manner in which the assessment shall be paid ;

for ascertain-
ing the prop-
erty liable to
the rate.

(5.) For determining, what real property will be benefited by the deepening or draining, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case of complaint, by the owner or person interested in any property assessed, whether of overcharge, or of undercharge of any other property assessed, or that property that should be assessed has been wrongfully omitted to be assessed, to proceedings for trial of such complaint, and appeal therefrom, in like manner as nearly as may be as on proceedings for the trial of complaints, as set forth in the
sixtieth

sixtieth, sixty-first, sixty-third, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth and seventieth sections of "The Assessment Act of 1869."

2. Trial of such complaints shall be had in the first instance by and before a Court of Revision, which the Council shall, from time to time as occasion may require hold, on some day not earlier than twenty nor later than thirty days from the day on which the by-law shall be first published, notice of which shall be published with the by-law during the first four weeks of its publication; and such court shall be constituted and have the powers referred to in sections numbered from fifty-one to fifty-eight, both inclusive, of the said Act; and in case of appeal to the judge, junior or acting judge of the County Court, he shall have the same powers and duties, and the clerks of the Municipality and Division Court respectively, shall have the same powers and duties, as nearly as may be, as contained in sections numbered from sixty-three to seventy, both inclusive, of the said Act.

Court of
appeal.

Appeal to
County Judge

3. Before the final passing of the by-law it shall be published once or oftener in every week for four weeks, in some newspaper in the municipality, or if no newspaper be published therein, then in some newspaper published in the nearest municipality in which a newspaper is published, together with a notice that any one intending to apply to have such by-law, or any part thereof quashed, must make his application for that purpose to one of Her Majesty's Superior Courts of Law at Toronto, during the term next ensuing the final passing of the by-law.

Notice before
passing of
by-law.

4. In case no application to quash a by-law be made within the time limited for that purpose in the third section, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, shall, notwithstanding any want of substance or form either in the by-law itself, or in the time or manner of passing the same, be a valid by-law.

By-law to be
valid though
informal, if
not quashed.

5. Whenever it is necessary to continue the deepening or drainage aforesaid beyond the limits of any municipality, the engineer or other person employed by the council of such municipality, may continue the survey and levels into the adjoining municipality, until he finds fall enough to carry the water beyond the limits of the municipality in which the deepening or drainage was commenced.

When work
may be ex-
tended into
other muni-
cipalities.

6. When the deepening and drainage do not extend beyond the limits of the municipality in which they are commenced, but in the opinion of the engineer or other person aforesaid, benefit lands in an adjoining municipality, or greatly improve any road lying within any municipality, or between two or more municipalities, then the engineer or other person aforesaid

When lands
an adjoining
municipality
may be
charged,
though works
not carried
into such
municipality.

said

said, shall charge the lands to be so benefited, and the corporation or corporations or company whose road or roads are improved, with such proportion of the costs of the works as he may deem just; and the amount so charged for roads, or agreed upon by the arbitrators shall be paid out of the general funds of such municipality or company.

Report as to
which municipi-
pality shall
pay.

7. The engineer or other person aforesaid, shall determine and report to the Council by which he was employed, whether the deepening or drainage shall be constructed and maintained solely at the expense of such municipality, or whether it shall be constructed and maintained at the expense of both municipalities, and in what proportion.

Plans, &c.

8. The engineer or other person aforesaid, when necessary, shall make plans and specifications of the deepening or drainage to be constructed, and charge the lands to be benefited by the work as provided herein.

Council of
municipality
wherein work
begun to
notify municipi-
pality to be
benefited.

9. The Council of the municipality in which the deepening or drainage is to be commenced, shall serve the head of the Council of the municipality into which the same is to be continued or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans and specifications of the engineer or other competent person aforesaid, when necessary, so far as they affect such last mentioned municipality; and unless the same is appealed from as hereinafter provided, it shall be binding on the Council of such municipality.

Council of
municipality
wherein work
not begun to
pass by-law.

10. The Council of such last mentioned municipality shall, within four months from the delivery to the head of the corporation of the report of the engineer or other competent person, as provided in the next preceding section, pass a by-law in the same manner as if a majority of the owners resident on the lands to be taxed had petitioned as provided in the first section of this Act, to raise such sum as may be named in the report, or in case of an appeal, for such sum as may be determined by the arbitrators.

Council of
municipality
wherein work
not begun may
appeal;
arbitration
thereon.

11. The council of the municipality into which the deepening or drainage is to be continued, or whose lands, road, or roads are to be benefited without the deepening or drainage being carried within its limits, may, within ten days from the day in which the report was served on the head of the municipality, appeal therefrom; in which case they shall serve the head of the corporation from which they received the report, with a written notice of appeal; such notice shall state the ground of appeal, the name of an engineer or other person as their arbitrator and calling upon such corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice; and in default thereof it

it

shall be lawful for the council of the municipality appealing therefrom to appoint such second arbitrator, and the two arbitrators so appointed shall forthwith appoint a third arbitrator in the matter: Provided always, that in no case shall the engineer or other competent person aforesaid, employed to make surveys, plans and specifications, or a member or officer of any council concerned, be appointed or act as arbitrator.

12. If after the arbitrators have been appointed as aforesaid they fail or neglect for the space of six days to appoint a third arbitrator, the judge of the county court of the county in which the municipality appealing is situated, shall within four days after a request in writing made upon him by either of the two arbitrators appointed as above, appoint a third arbitrator.

Appointment
of third arbi-
trator by
County Judge

13. The arbitrators before proceeding to try the matter of the arbitration shall take and subscribe the following oath (or in case of those who affirm, make and subscribe the following affir-

Oath by arbi-
trators.

mation) before any justice of the peace; which oath or affirmation shall be filed with the award.

I, *A. B.*, do swear (*or affirm*) that I will well and truly try the matter referred to me by the parties, and a true and impartial award make in the premises according to the evidence and my skill and knowledge. So help me God.

14. The arbitrators shall, within ten days after the appointment of the third arbitrator, meet at such place as they may agree upon, and shall then hear and determine the matter in dispute and make their award in triplicate, which shall be binding on all parties; and one copy thereof shall be filed with the clerk of each of the municipalities interested, and one shall be filed with the registrar of deeds for the county in which either of the municipalities is situate.

Award.

15. In case of difference between the arbitrators, the decision of any two of them shall be conclusive.

Decision of
majority of
arbitrators.

16. After such deepening or drainage is fully made and completed, it shall be the duty of each municipality, in the proportion determined by the engineer or arbitrators, (*as the case may be*) or until otherwise determined by the engineer or arbitrators, under the same formalities as near as may be, as provided in the preceding sections, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as to the council, upon the report of the engineer or other competent person may seem just; and any such municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be compelled by *mandamus* to be issued from any court of competent jurisdiction.

Repairs and
maintenance
of work after
completion.

tion to make from time to time the necessary repairs to preserve and maintain the same ; and shall be liable to pecuniary damage to any person who or whose property shall be injuriously affected by reason of such neglect or refusal : and in any case wherein after such deepening or drainage is fully made and completed, the same has not been continued into any other municipality than that in which the same was commenced, or wherein the lands or roads of any such other municipality are not benefited by such deepening or drainage, it shall be the duty of the municipality making such deepening and drainage, to preserve, maintain, and keep in repair the same at the expense of the lots, parts of lots and roads, as the case may be, as agreed upon and shown in the by-law when finally passed. Provided always, that the council may from time to time change such assessment on the report of an engineer, appointed by them to examine and report on such drain deepening and repairs.

Case of a drain being used by another municipality.

17. Should a drain already constructed, or hereafter constructed, by a municipality, be used as an outlet, or otherwise by another municipality, company, or individual, such municipality, company or individual using the same as an outlet or otherwise, may be assessed for the construction and maintenance thereof in such proportion and amount as shall be ascertained by the engineer or arbitrators, under the formalities provided in the preceding sections.

Deposit with Commissioner of Public Works of copies of plans, &c.

18. Any Township Municipality proposing to undertake works under the provisions of this Act may, after the expiration of the time limited for an application to quash the by-law, deposit with the Commissioner of Public Works authenticated copies of the plans, specifications and estimates of the works and of the by-law ; and may apply for the purchase of the debentures authorized thereby.

Commissioner of Public Works to report as to investment.

19. The Commissioner of Public Works shall investigate and report to the Lieutenant Governor in Council, as to the propriety of the investments proposed in such applications, in the order of time in which they are deposited ; and such reports shall be disposed of by the Lieutenant-Governor in Council in the order of time in which the same are made.

Purchase out of Cons. Rev. Fund of debentures.

20. The Lieutenant-Governor in Council may from time to time in his discretion invest any surplus of the Consolidated Revenue Fund, not exceeding in the whole at any one time the sum of two hundred thousand dollars, in the purchase of any debentures issued under any by-law so deposited as aforesaid in respect of which the Commissioner of Public Works shall certify to the propriety of the investment.

Per centage to be advanced on debentures.

21. On any such investment not more than eighty-five per centum of the par value of the debentures shall be advanced until after the Commissioner of Public Works has reported that the

the works have been inspected and are completed ; and any expenses in connection with the investigation and inspection made under this Act shall be deducted from the amount retained.

22. After any such investment has been made, the debentures shall not be questioned and shall be deemed to be valid to all intents and purposes. When Debentures unquestionable.

23. The Commissioner of Public Works shall not certify to the propriety of the investment in any case in which the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality and the interest and principal of the debts contracted by the municipality shall exceed the aggregate value of three cents in the dollar on the whole value of the ratable property within its jurisdiction, or in any case in which the debentures to be issued under the by law shall exceed twenty thousand dollars. When the Commissioner shall not report propriety of investment.

24. The amount payable in any year under any such by-law or debentures, for principal, interest and sinking fund, shall be remitted by the treasurer to the treasurer of Ontario, within the space of one month after the same shall have become exigible, together with interest at the rate of seven per centum per annum, during the time of default in payment; and in case of the continuance of such default, the council of the municipality shall, in the next ensuing year, assess and levy on the whole ratable property within its jurisdiction, in the same manner in which taxes are levied for the general purposes of the municipality, a sufficient sum to enable the treasurer, over and above the other valid debts of the corporation falling due within the year, to pay over to the treasurer of Ontario the amount in arrear, together with the interest thereon at the rate of seven per centum per annum, during the time of default in payment, whether the same may have been previously recovered from the parties or lands chargeable, under the by-law, with the same or not ; and the amount so in arrear and interest shall be the first charge upon all the funds of the municipality, for whatever purpose, or under whatever by-law they may have been raised ; and no treasurer or other officer of the municipality shall, after such default, pay any sum whatsoever, except for the ordinary current disbursements, and salaries of clerks and other employees of such municipality, out of any funds of the municipality in his hands, until the amount so in arrear and interest shall have been paid to the treasurer of Ontario ; and if any such treasurer or municipal officer shall pay any sum out of the funds of his municipality, except as aforesaid, contrary to the provision hereinbefore made, he shall be deemed guilty of a misdemeanor, and shall, moreover, be liable to the treasurer of Ontario for every sum so paid, as for money received by him for the Crown ; and any reeve or councillor wilfully or negligently omitting to see the foregoing provisions carried into effect shall Amount payable under By-law to be remitted to Treasurer of Ontario. Consequences of neglect. Duty and liability of Municipal Treasurer after default. Liability of Reeves and Councillors.

shall also be personally and individually liable to the treasurer of Ontario for the full amount so in arrear and interest, to be recovered with costs by the said treasurer of Ontario, in any suit as for money had and received for Her Majesty's behoof: Provided always, that no assessment, levy or payment, made under this clause, shall in anywise exonerate the persons or lands chargeable under the by-law from liability to the municipality.

CAP. XXVII.

An Act to amend the Law as to the Fees of Registrars.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the number of registrations, extracts and searches has become so large in divers registry offices that the income therefrom is now excessive; and whereas the like result may be expected in other registry offices; and whereas it is expedient to make some provision in the premises;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Registrar's emolument when fees do not exceed \$2,500.

1. Each Registrar shall be entitled to retain to his own use in each year all the fees and emoluments received by him in that year up to two thousand five hundred dollars.

When fees are between \$2,500 and \$3,000.

2. Of the further fees and emoluments received by each Registrar in each year, in excess of two thousand five hundred dollars not exceeding three thousand dollars, he shall be entitled to retain to his own use ninety per cent. and no more.

When fees are between \$3,000 and \$3,500.

3. Of the further fees and emoluments received by each Registrar in each year, in excess of three thousand dollars not exceeding three thousand five hundred dollars, he shall be entitled to retain to his own use eighty per cent. and no more.

When fees are between \$3,500 and \$4,000.

4. Of the further fees and emoluments received by each Registrar in each year, in excess of three thousand five hundred dollars not exceeding four thousand dollars, he shall be entitled to retain to his own use seventy per cent. and no more.

When fees are between \$4,000 and \$4,500.

5. Of the further fees and emoluments received by each Registrar in each year, in excess of four thousand dollars not exceeding four thousand five hundred dollars, he shall be entitled to retain to his own use sixty per cent. and no more.

When fees exceed \$4,500.

6. Of the further fees and emoluments received by each Registrar

gistrar in each year in excess of four thousand five hundred dollars he shall be entitled to retain to his own use fifty per cent. and no more.

7. On the fifteenth day of January in each year each Registrar shall transmit to the treasurer or chamberlain of the county or city for which, or for a riding of which, he is Registrar, a duplicate of the return required by the Registration of Titles (Ontario) Act; and shall also pay to such treasurer or chamberlain for the uses of the municipality such proportion of the fees and emoluments received by him during the preceding year, as under this Act he is not entitled to retain to his own use; Application of surplus fees. Provided that in cases in which the county or riding includes a city or town separated from the county for municipal purposes, the amount aforesaid shall be paid to the treasurer of the county and to the treasurer or chamberlain of the city or town for the uses of the municipality in the same proportions in which the gross fees and emoluments are derived from extracts, searches, registrations and other charges in respect of lands situate in the county, and in respect of lands situate in the city or town; Proviso. Provided further, that in the fees and emoluments mentioned in this Act, shall not be included any sums receivable from the municipality for the preparation of abstract indices, or for work done under the twenty-fifth, twenty-eighth, or twenty-ninth sections of the registration of Titles, (Ontario) Act.

8. This Act shall not apply to any fees or emoluments actually received by any Registrar before the first day of January, in the year of our Lord one thousand eight hundred and seventy-three. When this Act to apply.

CAP. XXVIII.

An Act to amend an Act intituled "An Act respecting the Establishment of Registry Offices in Ridings and to amend the Registration of Titles (Ontario) Act."

[Assented to 2nd March, 1872.]

WHEREAS it is not expedient that the Lieutenant-Governor in Council should have the power of setting apart cities or junior counties or ridings for registry purposes: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. So much of the Act intituled "An Act respecting the establishment of Registry Offices in Ridings and to amend the Registration Establishment of new divisions of Re-

gistry offices
abolished.

Registration of Titles (Ontario) Act" as empowers the Lieutenant-Governor in Council from time to time by an Order in Council to cause to be issued a proclamation and thereby set apart and establish Registry Offices for cities or junior counties or ridings, is hereby repealed.

CAP. XXIX.

An Act to amend chapter twenty of the Acts passed in the thirty-first year of Her Majesty's reign intituled, "An Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to lands in Ontario."

[Assented to 2nd March. 1872.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1 V., c. 20, s.
5, amended.

1. That section seventy-five of the Act passed in the thirty-first year of Her Majesty's reign, and chaptered twenty, be amended by striking out all the words between the word "same" in the tenth line and the word "and" in the fourteenth line of said section, and by inserting in lieu thereof the following words, "in a scale of not less than one inch to every four chains, shewing the number of the township or town lots, and range or concession, the numbers or letters of town or village lots, and names of streets, with the magnetic bearing of the same."

CAP. XXX.

An Act to make temporary provision as to the Regulations of the Council of Public Instruction.

[Assented to 2nd March, 1872.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Powers of
Lieut.-Governor
over rules.

1. The Lieutenant-Governor in Council shall have power to cause inquiry to be made into the working of any rules, regulations,

lations, instructions or recommendations which have been, or may be made or issued by the Council of Public Instruction, or by the Chief Superintendent of Education, and to abrogate, suspend or modify any such rules, regulations, instructions or recommendations.

&c., of council of public instruction.

2. This Act shall remain in force until the end of the next ensuing session of the Legislative Assembly, and no longer

Duration of this Act.

CAP. XXXI.

An Act to amend chapter seventy-seven of the Consolidated Statutes of Canada intituled "An Act respecting Land Surveyors and the Survey of Lands."

[Assented to 2nd March, 1872.]

WHEREAS it is expedient to amend chapter seventy-seven of the Consolidated Statutes of Canada intituled "An Act respecting Land Surveyors and the Survey of Lands" : Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. That section nine of said Act be amended by adding to the end thereof the following words : " Or proves to the satisfaction of the board that he has so served." Con. Stat. C., c. 77., s. 9 amended.

2. That any duly licensed provincial land surveyor of the Province of Quebec shall be entitled to practise in the Province of Ontario upon passing the examination required by law before the board of examiners of the Province of Ontario. Terms upon which Surveyors of Quebec may practice in Ontario.

3. That section two of the said Act be repealed and the following be inserted in lieu thereof :—

(2.) Each member of the Board, save and except the Commissioner of Crown Lands, shall take an oath of office, before a Judge of any of the Superior Courts of Law or Equity, or before a Judge of any County Court ; and any three of the members shall form a quorum. Sec. 2 amended.

4. That the following shall be the form of the oath of office :

I, _____ of _____ having been appointed a member of the Board of Examiners for the admission of Provincial Land Surveyors for the Province of Ontario, do sincerely promise and swear that I will faithfully

Oath of office.

faithfully discharge the duties of such office without favour, affection or partiality. SO HELP ME GOD.

Sworn before me,
at
this day
of 18 . }

CAP. XXXII.

An Act to amend an Act of the Province of Ontario, intituled "An Act to amend the Agricultural and Arts Act."

[Assented to 2nd March, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

34 Vic., c. 23.
s. 2, repealed.

1. That section two of the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered twenty-three, be repealed.

Tenure of
office of mem-
bers of the
Council.

2. That the members of the Council of the Association of the twelve Agricultural Districts of Ontario, elected at the annual meeting held in the month of January, one thousand eight hundred and seventy-two, shall hold office for the respective periods provided for and as contemplated by section sixteen of the Act passed in the thirty-first year of Her Majesty's reign, chaptered twenty-nine; and four members shall retire annually as provided by said section.

Time of hold-
ing annual
meeting.

3. That the annual meeting of every Electoral Division Society shall be held on the third Wednesday of January, in each and every year, at the hour of two o'clock in the afternoon.

4 V. c.23 s.18
l. 5 amended.

4. That sub-section five of section eighteen of the Act chaptered twenty-three, passed in the thirty-fourth year of Her Majesty's reign be repealed, and the following substituted in lieu thereof:

(5.) The majority of the office-bearers of County and Township Agricultural Societies and of Horticultural Societies shall be resident of the municipality which such society represents; but the membership of any such society may extend to other municipalities.

5. That no Mechanics' Institute hereafter established shall be entitled to participate in the grants provided for by section twenty-five of the Act chaptered twenty-nine, passed in the thirtieth year of Her Majesty's reign until the year following its formation, and unless notice of its formation shall have been given to the Commissioner of Agriculture prior to the first day of December.

When Mechanics' Institutes may have benefit of 30 V. c. 29 s. 25.

6. That it shall be the duty of the County Inspector of Schools to inspect every Mechanics' Institute in his County at least twice in every year, and to annually audit the financial affairs of said institute, and before the first day of December in each year report to the Commissioner of Agriculture the condition and standing of each such Mechanics' Institute.

County school inspector to report &c., as to mechanics' institutes.

7. That no Mechanics' Institute shall be entitled to share in the Government grant unless the County Inspector of schools shall report to the Commissioner of Agriculture that such Mechanics' Institute shall have duly complied with all the provisions of the several Acts relating to Mechanics' Institutes.

When institutes dis-entitled to government grant

8. That it shall be lawful for the Lieutenant-Governor in Council to direct the payment out of the Consolidated Revenue, of the sum of not less than five dollars to the County Inspector for every Mechanics' Institute which he may inspect and report upon to the Commissioner of Agriculture.

Fee to county inspector.

9. That no mechanics' institute organized after the first day of January, one thousand eight hundred and seventy-two, shall be entitled to share in the Government grant, except such as shall be organized in cities, towns and incorporated villages; and no more than one such institute in any city, town or incorporated village shall share in such grant.

Certain institutes excluded from government grant.

10. That hereafter it shall not be lawful to carry on any horse racing, during the days appointed for holding any exhibition by the agricultural and arts association of Ontario, or by any electoral division society, within five miles of the place of holding the same.

Horse races prohibited during exhibitions.

11. Any person who shall be guilty of a violation of the tenth section of this Act shall be liable upon summary conviction before a justice of the peace, to a fine not exceeding fifty dollars, or to imprisonment in the common gaol of the county for a period not exceeding thirty days.

Penalty for prohibited horse races.

CAP. XXXIII.

An Act to amend the Acts respecting Joint Stock Road Companies for the construction of Roads and other works.

[Assented to 2nd March, 1872.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Con. Stat. U.
C., c. 49, s. 85
amended.

1. Section eighty-five of chapter forty-nine of the Consolidated Statutes for Upper Canada is hereby repealed and the following section substituted in lieu thereof:

Power of
county court
judge to order
examination
of road out of
repair.

(85.) If any such company or municipality suffers any portion of their road on which tolls have been taken to get out of repair, the judge of the county court in the county in which such road is situated may, upon the requisition of twelve freeholders residing within such county stating that such road is so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, direct any competent engineer, not being a stockholder in the road, or an officer of the municipal council owning such road to examine the road.

S. 86 amended.

2. Section eighty-six of the aforesaid chapter forty-nine of the Consolidated Statutes for Upper Canada is hereby repealed, and the following section substituted in lieu thereof:

Engineer ap-
pointed to ex-
amine may
notify owners
of road to
repair.

(86.) The engineer so appointed shall, upon receiving such directions, immediately inspect and examine the road, and if upon examination it be found so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the requisition, he shall notify the president of the company or head of the municipality to whom the road belongs by leaving a written notice at the office or place of business of such president or head of the municipality, if there be such office or place of business within the county wherein such road is situated, and such office or place of business be known to the engineer, and if not so known, then by leaving such notice with any of the keepers of the toll gates belonging to such company or municipal council, stating that in pursuance of directions from the judge of the county court he has inspected their road and found it to be out of repair, specifying the particular portions or portion of the said road which he finds out of repair, and requiring them to take notice thereof, and to cause the same to be repaired within a certain time to be named in such notice; and the time shall be such as in the opinion of the engineer will be sufficient for making the required repairs.

(1.) But if the directors of the company or municipal council dispute their road being so out of repair, as reported by the engineer in the notice so given, the directors or municipal council may within five days next after the service of such notice by the engineer, make application either verbal or written to the county judge of the county court who issued directions to the engineer for the examination of the road, and the judge shall forthwith after such application, by a summons under his hand, require the attendance of the engineer and the directors or municipal council at such time being within ten days next after such application, and at such place as may be fixed in such summons, and the judge shall hear and examine under oath or affirmation such witness or witnesses as may be offered on behalf of either party, and after hearing the evidence shall decide and certify whether such road or portion so reported out of repair is or is not so out of repair; and if the judge decides that the road is so out of repair as certified by the engineer, then, after such decision, the directors or municipal council shall cease to take any toll at the toll gates as hereinafter mentioned until such repairs be fully completed; and the costs of such hearing and examination shall be in the direction of the judge; provided that after such application by the directors or municipal council, and until his decision, the judge may in his discretion allow the directors or municipal council to collect tolls or may prohibit the collection of tolls at the gate or gates on either side of the portion of road so reported by the engineer to be out of repair.

Proceedings if
it be disputed
that road is
out of repair.

Cesser of right
to tolls.

(2.) Provided that in case of the sudden damage or destruction of any portion of a road, or of a bridge or culvert, caused by freshet or fire, or in case the directors or municipal council desire to take down any such bridge or culvert for the purpose of rebuilding the same, the engineer, if required to examine the road in accordance with this Act, shall, in case the remaining portions of such road be in a suitable state of repair, allow a reasonable time for the repair of such portion of the road, or the erection or construction of such bridge or culvert, and shall give notice in writing to the directors or municipal council of the time so allowed to repair, erect or construct the same; and the directors or municipal council may collect tolls during the time specified in such notice for the repair of such road or the erection or construction of such bridge or culvert; but in all cases wherein the directors or municipal council are entitled to take toll in virtue of this sub-section, such directors or municipal council, within a limited time after such sudden damage or destruction has occurred as aforesaid, to be fixed by the engineer, shall provide a temporary passage to safely enable any person or persons travelling with or without any beast or vehicle over said road to pass by such portion of road, bridge, or culvert so being out of repair or being taken down for the purpose of rebuilding the same.

Partial want
of repair,
provisions in
case of.

(3.)

Neglect to
repair, and
cesser of right
to tolls.

(3.) In case the directors or municipal council neglect or refuse to erect or construct such bridge or culvert, or repair such portion of road as aforesaid, within the time specified in the notice so given by the engineer, or refuse or neglect to provide such temporary passage for the use of the travelling public as herein required, the portion of road so damaged or whereon such bridge or culvert so damaged or destroyed as aforesaid existed, shall be deemed to be out of repair; and the directors or municipal council, on receiving notice which the engineer shall give to the directors or municipal council in the manner provided in the eighty-sixth section of this Act, and which notice shall set forth that the time fixed for the repair of such portion of road, bridge, or culvert has expired, and that such repairs have not been completed, or that such temporary passage has not been constructed within the time fixed for constructing the same, and that henceforth until such repairs have been fully completed the directors or municipal council shall not demand or take toll at the gate or gates at or on either side of the portion or portions of road, bridge, or culvert so out of repair under the penalties imposed by the eighty-eighth section of this Act

31 V., c. 31, s.
1, sub s. 1,
amended.

3. Sub-section one of section one of the Act passed in the thirty-first year of Her Majesty's reign, chaptered thirty-one, is hereby repealed, and the following section substituted in lieu thereof:

Neglect to re-
pair, and ces-
ser to right to
tolls,

After the service of the notice by the engineer in the manner aforesaid, or in case of a reference to the county judge as provided in the eighty-sixth section of this Act, then after the decision of such judge, if such decision be against the directors or municipal council, and until such repairs be completed, neither the directors of the company, or the municipal council, nor any person authorized by them, shall demand or take any toll from any person travelling with or without any beast or vehicle for passing through the nearest toll gates whereat tolls were being collected at the time of such notice, on either side of the portion or portions of road so out of repair under the penalty mentioned in the eighty-eighth section of the said Act, until the engineer has again examined the road and certified it to be in good and efficient repair, and after such notice or decision of the county judge in the manner aforesaid; and until such repairs have been completed as directed by the engineer, no such company nor any person or persons shall be entitled or permitted to destroy, take, remove, or carry away from such road any earth, stone, gravel, plank, or other material forming any part of such road or having been used in the construction of the same, nor any toll house, toll gate, toll bar, or any appendages thereto belonging; and any such company or any person destroying, taking away, or removing any such earth, stone, gravel, plank or other material, toll house, toll gate, toll bar, or any appendages thereto belonging contrary to the provisions of this Act, shall be liable to prosecution by the municipal council of the

and materials,
part of the
road.

Penalties.

the municipality wherein such road lies and whereon such earth, stone, gravel, plank or material, toll house, toll gate, toll bar or appendages belonging thereto are situate, shall, on conviction thereof in the manner provided in the thirteenth sub-section of the one hundred and fourth section of the Act passed in the twenty-second year of Her Majesty's reign, intituled "An Act respecting Joint Stock Road Companies, for the construction of Roads and other works in Upper Canada," be liable to the penalties in the said sub-section mentioned; which penalties when recovered shall be paid over to the municipal council bringing such action, and shall form part of the public funds of the municipality.

4. Section two of the aforesaid Act, chaptered thirty-one, is hereby amended by striking therefrom the words beginning in the seventeenth line from the top of said section, as follows:—"it shall be lawful for the directors of municipal councils themselves to appoint such arbitrator" and substituting the following words in lieu thereof:—"The sheriff of the county within which such road lies shall within four days after a request in writing made upon him by the directors or municipal council appoint such second arbitrator." 31 V., c. 31 s. 2, amended.

5. Section five of the last aforesaid Act is hereby repealed, and the following section substituted in lieu thereof:— S. 5 amended.

(1.) And the arbitrators shall within six days after the appointment of the third arbitrator examine the road, and at a sitting which may be adjourned from time to time, to be held by them as convenient as may be to the portion of the road so examined, of which sitting due notice shall be given to the directors of the company or municipal council, and any two of the requisitionists, and shall examine under oath or affirmation such witness or witnesses as may be presented for examination on behalf of either party to such arbitration. Proceedings on arbitration.

(2.) In case the said arbitrators are of opinion that the then state of the road, if in a condition not to impede or endanger Her Majesty's subjects and others travelling thereon, is so in consequence of the action of the frost or snow, or condition of the weather, and not from suitable and proper repairs made at the expense of the said company or municipal council, they shall adjudge the costs of such arbitration against the directors of such company or municipal council, and shall make an award in writing setting forth the condition of such road, and whether the same is in such condition so as not to impede or endanger Her Majesty's subjects and others travelling thereon, and whether such condition arises from the action of frost or snow or condition of the weather, or by means of suitable and proper repairs made at the expense of the directors of such company or municipal council. Case of injury by weather.

(3.) In case the said road be not in a proper state of repair, they shall Want of repair shall

to be set out
by arbitrators.

Neglect to re-
pair, and for-
feiture of road
to municipal
councils.

shall set forth what repairs are necessary to be made, and shall allow a reasonable time for so repairing the road, taking into consideration the facilities for obtaining the material to repair the road as required, and the arbitrators may permit the directors of the company or municipal council to levy, or may prohibit them from levying tolls, while the repairs are being completed as to them may seem fit and proper ; And if any such company shall permit or allow their road to remain out of repair for the period of nine months next after the time fixed by the said arbitrators as in this Act provided to repair the same, such company shall forfeit all right to their road, and the municipal council of the county through which such road or any part thereof passes may enter upon and take possession of the same and exercise the same jurisdiction over the same as the road company owning such road were entitled to under the Joint Stock Road Companies Act and the amendments thereto; and such municipal council may repair the same in accordance with the award of the arbitrators in reference to the same ; and after such repairs have been made by such municipal council, may levy and collect tolls thereon and possess and enjoy all the rights and powers and be subject to all the duties and requirements of the Joint Stock Road Companies Act and the amendments thereto, in reference to such toll roads.

Repairs by
municipal
councils.

(4.) And in case the municipal council of such county does not think fit and proper, within the period of one month next after the expiration of the aforesaid nine months, to assume, by By-law, such road for the purposes of repairing the same and levying tolls thereon, the municipal council of any municipality which would, under the provisions of the Municipal Institutions Act in force in the Province of Ontario, be required to maintain and keep such road in repair as a common and public highway, shall be liable to the same duties as such municipal council has, or is subject to, in respect to the public roads within its jurisdiction.

31 V., c. 31, s.
2, amended.

6. Section two of the Act passed in the thirty-first year of Her Majesty's reign, chaptered thirty-one, is hereby amended by striking therefrom the seventh, eighth and ninth lines, and all the words in the sixth line after the word "sufficient"

31 V., c. 31, s.
7, amended.

7. The following sub-section shall be added to section seven of the last named Act :

(1.) And in case the arbitrators refuse or neglect to examine the road within two days next after being required by the directors or municipal council so to do by written notices signed by the head of the company or municipal council and served personally upon such arbitrators or left at each of their last and most usual place of abode, the directors or municipal council shall be entitled to levy and collect tolls in the same manner as if the arbitrators had examined and certified the road to be in a fit and proper state of repair.

8. Section eight of the last aforesaid Act is hereby amended by adding between the words "shall" and "assess" in the first line of said section the following words, "subject however to the provisions of the fourth section of this Act relating to the costs of such arbitration."

31 V., c. 31, s. 8, amended.

9. It shall and may be lawful for any company formed under the Joint Stock Road Companies' Acts and amendments thereto, by-law, to abandon the whole of their road; and after such abandonment the municipal council of any county within which such road or any part thereof lies, may assume such abandoned portion of such road lying within the municipality, and may assume such road in the manner, and enjoy all the rights, and be subject to all the responsibilities and liabilities, as provided in sub-section three of the fifth section of this Act; and failing such action on the part of such county council, such road shall then be subject to the same jurisdiction for the control and repair thereof as further provided in sub-section four of section five of this Act; but no such company shall be entitled to abandon any intermediate portion of their road without the consent of the municipal council of the county within which such portion of such road lies, such consent to be expressed by by-law of such municipal council; nor shall any road company or municipal council be entitled to collect tolls upon any remaining portion of such road, less than five miles in extent, if such road originally exceeded five miles in length.

Abandonment of road and assumption thereof by the council.

10. The Act passed in the twenty-eighth year of Her Majesty's reign, chaptered twenty-three, is hereby repealed. Sections eighty-four, eighty-five and eighty-six of the Act passed in the twenty-second year of Her Majesty's reign, chaptered forty-nine, Consolidated Statutes for Upper Canada; the Act passed in the thirty-first year of Her Majesty's reign, chaptered thirty-one, Ontario Statutes, and the provisions of this Act shall apply to all toll roads whereon tolls are levied and collected in the Province of Ontario, whether such roads were constructed under the Joint Stock Road Companies Acts and the amendments thereto, or under any special charter, or toll-roads which may have been purchased from the Government of the late Province of Canada and now being owned and held by private companies or municipal councils.

28 V., c. 23, repealed.
Con. Stat. U. C. c. 49, s. s. 84, 85, 86.
31 V., c. 31, and this Act made applicable to all toll roads.

11. All Acts and parts of Acts inconsistent with any of the provisions of this Act are hereby repealed.

Repeal of Acts.

12. The several sections of this Act which provide for the resumption of roads by the municipalities, the removal of material and buildings from the same and of intermediate portions thereof, shall not be held to apply to roads constructed by any company or corporation on private property, or acquired from any company from private owners.

Certain sections not to apply to private roads.

CAP. XXXIV.

An Act to amend the Act intituled an "Act respecting Dentistry."

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS it is expedient to amend the Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, and chaptered thirty-seven, intituled, "An Act respecting Dentistry:" Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Directors.

1. Every board of directors to be elected after the passing of this Act, shall consist of seven members, of whom any four shall form a quorum.

Quorum.

First meeting
of the board.

2. Every board to be hereafter elected shall hold their first meeting on the day following the election of such board, at noon, at such place in the city of Toronto as may, from time to time be fixed by the board.

31 V. c. 37 s. 6
amended.

3. The sixth section of said Act is hereby repealed, and the following substituted therefor:—

(6) Every subsequent election shall be held on the third Tuesday in July, in the City of Toronto, in every second year; and the persons qualified to vote at every such election shall be such persons as have obtained or may obtain certificates of license, under the provisions of this Act.

Sec. 10
amended.

4. The tenth section of the said Act is hereby repealed and the following substituted therefor:—

Examinations.

The board shall have power and authority to appoint one or more examiners for the matriculation or preliminary examination of all students entering the profession—Such examination shall be passed prior to entering into articles of indenture with a licentiate of dentistry, and the commencement of study shall date from the signing of said articles. The board shall also have power and authority to fix and determine, from time to time, a curriculum of studies to be pursued by students, and to fix and determine the period for which every student shall be articulated and employed under some duly licensed practitioner, and the examination necessary to be passed before said board, and the fees to be paid into the hands of the treasurer of said board, before receiving a certificate of license to practise the profession of dentistry.

Curriculum.

Sec. 11
amended.

5. The eleventh section of the said Act is hereby repealed and the following substituted therefor:—

The

The said board shall hold one meeting in each and every year in the city of Toronto, at such place as may from time to time be fixed by the board, for the purpose of examining students, granting certificates of license, and doing such other business as may properly come before them; such meeting to be holden the first Tuesday in March and to continue from day to day until the business before the board shall be finished; but no such meeting shall continue for more than one week.

6. The twelfth section of the said Act is hereby amended by striking out the words "who have not been constantly engaged for five years in established office practice next preceding" and by inserting in lieu thereof the words "who were engaged at the time of"; and by inserting after the word "dentistry" in the fourth line of said clause, the words "or who not having been residents of Ontario, shall have had three years experience in the practice of dentistry"; and by inserting after the word "dentistry" in the fourteenth line of the said section the words "in the Province of Ontario."

Annual meetings of the board.
Sec. 12 amended.

7. The thirteenth section of the said Act is hereby amended by striking out the words "and college" and also the words "as to fees and otherwise."

Sec. 13 amended.

8. The fourteenth section of the said Act is hereby amended by striking out the words "third Tuesdays of January or July, whichever shall first happen" and inserting the words "first Tuesday in March."

Sec. 14 amended.

9. The fifteenth section of the said Act is hereby amended by inserting after the word "license" in the fifth line thereof the words "subject to such rules, regulations and by-laws"; and by striking out all the words in the said section after the word "Act."

Sec. 15 amended.

10. The said board shall have power and authority to make arrangements for the establishment of a school of dentistry in the city of Toronto.

Establishment of a dental college.

11. Any penalty imposed by the said Act shall be recoverable with costs of suit, by and in the name of the Board constituted under this Act.

Penalties, how recoverable.

12. All parts of the said recited Act which are inconsistent with this Act are hereby repealed, but such repeal shall not invalidate anything done thereunder.

Inconsistent provisions in 31 Vic. c. 37 repealed.

CAP. XXXV.

An Act to amend the Act intituled "An Act respecting the property of Religious Institutions in Upper Canada."

[Assented to 2nd March, 1872.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

C. S. U. C.
cap. 69, s. 3,
amended.

1. That section three of chapter sixty-nine of the Consolidated Statutes for Upper Canada be and the same is hereby amended by inserting in the eighth line of the said section after the words "meeting house or chapel," the following words, "or residence for the minister," so that the amended Act would read as follows, viz:—

(3) When a debt has been or may be hereafter contracted for the building, repairing, extending or improving of a church, meeting house or chapel or the residence of a minister respectively on land held by trustees for the benefit of any religious society in Upper Canada, or for the purchase of the land on which the same has been or is intended to be erected, the trustees, or a majority of them, may from time to time secure the debt or any part thereof, by a mortgage upon the said land, church, meeting house or chapel, or the residence of the minister, or may borrow money to pay the debt or part thereof, and may secure the re-payment of the loan and interest by a like mortgage upon such terms as may be agreed upon; Provided that no such mortgage shall be created by the said trustees upon the land on which any church, meeting house, chapel or residence of a minister respectively is or may be erected, except in case of a debt incurred or to be incurred for the erection of such church, meeting house, chapel or residence of the minister respectively.

CAP. XXXVI.

An Act for the prevention of Corrupt Practices at Municipal Elections.

[Assented to 2nd March, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following persons shall be deemed guilty of bribery, and shall be punished accordingly :—

Certain persons to be deemed guilty of bribery.

(1.) Every person who shall directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer or promise any money or valuable consideration, or shall give or procure, or agree to give or procure, or offer or promise, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon a by-law for raising any money or creating a debt upon a municipality or part of a municipality for any purpose whatever, or who shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting at any such election, or upon any such by-law :

Giving money to voters, &c.

Procuring offices for voters.

(2.) Every person who shall directly or indirectly, by himself or by any other person in his behalf, make any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in any municipal council, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law :

Persons who influence voters.

(3.) Every person who shall by reason of any such gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavour to procure the return of any person in any municipal election, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law :

Corruptly influencing voters.

(4.) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any municipal election, or at any voting upon a by-law as aforesaid, or who shall knowingly pay, or cause to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election, or at the voting upon any such by-law :

Advancing money for bribery, &c.

(5.) Every voter who shall, before or during any municipal election, or the voting of any such by-law, directly or indirectly, by himself or by any other person on his behalf, receive, agree or contract for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at any such election, or upon any such by-law :

Voters receiving money, &c.

(6.) Every person who shall, after any such election, or the voting upon any such by-law, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted, or refrained from voting, or having induced any other person to

Receiving money after the election, &c.

to

Hiring teams, to vote or to refrain from voting at any such election, or upon
&c. any such by-law :

(7.) Every person who shall hire any horses, teams, carriages or other vehicles for the purpose of conveying electors to and from the polls, and every person who shall receive pay for the use of any horses, teams, carriages or other vehicles, for the purpose of conveying electors to and from any polls as aforesaid.

Using
violence or
intimidation.

2. Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of, or threaten to make use of any force, violence or restraint, or inflict, or threaten the infliction, by himself or by or through any other person, of any injury, damage or loss, or in any manner practise intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall in any way prevent or otherwise interfere with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence, and be subject to the penalty hereinafter mentioned.

Expenses of
candidates.

3. The actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

Penalty on
candidates.

4. Any candidate elected at any municipal election, who shall be found guilty by the judge, upon any trial upon a writ of *quo warranto*, of any act of bribery, or with using undue influence as aforesaid, shall forfeit his seat, and shall be rendered ineligible as a candidate at any municipal election for two years thereafter.

Evidence on
quo warranto.

5. Where the writ of summons, in the nature of a *quo warranto*, is returnable before one of the Judges of the Superior Courts of Law, in case any question as to whether the candidate or any other voter has been guilty of any violation of sections one and two of this Act, affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before the Judge of any County Court, upon a reference to him by the Judge of the Superior Court, for that purpose, in the presence of counsel for, or after notice to all parties interested ; and in case such reference be directed to the Judge of the County Court, he shall return the evidence to the clerk of the crown at Toronto, and every party shall be entitled to a copy thereof.

Evidence in
other cases.

6. In all other cases the Judge of the Superior Court before whom the writ of summons is returnable, may order the evidence to be used on the hearing of the summons, to be taken

viva

viva voce before the Judge of the County Court; and in any such case the previous section of this Act shall apply.

7. The vote of every person found guilty, upon any trial or enquiry as to the validity of the election or by-law of a violation of either of the first two sections of this Act, shall be void. Vote of persons found guilty to be void.

8. Any person who shall be adjudged guilty of any of the offences within the meaning of this Act, shall incur a penalty of twenty dollars, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. Penalty.

9. The penalties imposed by this Act shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment shall be rendered, shall be ineligible, either as a candidate or municipal voter, until the amount which he has been condemned to pay shall be fully paid and satisfied. Recovery of penalty.

10. It shall be the duty of the judge who finds any candidate guilty of a contravention of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith to the clerk of the municipality wherein the offence has been committed. Judge to make return.

11. The clerk of every municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his municipality who shall have been adjudged guilty of any offence within the meaning of this Act, and of which he shall have been notified by the judge who tried the case. Clerk to keep books, &c.

12. All proceedings against a candidate elected at any municipal election for any violation of the provisions of this Act, must be commenced within the time allowed by the Municipal Act of one thousand eight hundred and sixty-six. Limitation to proceedings against candidate.

13. Any by-law the passage of which has been procured through or by means of any violation of the provisions of this Act, shall be liable to be quashed upon any application to be made in conformity with the provisions of the Municipal Institutions Act of one thousand eight hundred and sixty-six, as hereinafter provided. Quashing by-laws.

14. Before any application for the quashing of a by-law upon the ground that any of the provisions of this Act have been contravened in procuring the passing of the same, and if it is made to appear to a judge of one of the Superior Courts of law, that probable grounds exist for a motion to quash said by-law, the said judge may make an order for an inquiry, to be held upon such

such notice to the parties affected, as the Judge may direct concerning the said grounds, before the judge of the county court of the municipality which passed said by-law, and require that upon such enquiry, all witnesses both against and in support of such by-law, be orally examined and cross examined upon oath before said county court judge; and the said county court judge shall thereupon return the evidence so taken before him to the clerk of the Crown and Pleas at Toronto; and after the return of said evidence, and upon reading the same, any Judge of the said Superior Courts may, upon notice to such of the parties concerned, as he shall think proper, proceed to hear and determine the question; and if the grounds therefor shall appear to him to be satisfactorily established, it shall be competent to him to make an order for quashing said by-law, and may order the costs attending said proceedings to be paid by the parties or any of them who shall have supported said by-law; and if it shall appear that the application to quash said by-law ought to be dismissed, the said Judge may so order, and in his discretion award costs, to be paid by the persons applying to quash said by-law.

Stay of proceedings on the by-law.

15. After an order has been made by a judge directing an inquiry, and after a copy of such order has been left with the Clerk of the Corporation of which the by-law is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the inquiry has been directed, but if the matter be not prosecuted to the satisfaction of the Judge he may remove the stay of proceedings.

Attendance of witnesses.

16. Any witness shall be bound to attend before the judge of the County Court upon being served with the order of such County Court Judge directing his attendance, and upon payment of the necessary fees for such attendance, in the same manner as if he had been directed by a writ of subpoena so to attend, and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with such subpoena.

Witnesses not excused from answering on grounds of self crimination or privilege.

17. No person shall be excused from answering any question put to him in any action, suit or other proceeding in any court or before any judge, touching or concerning any election, or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate himself, shall be used in any criminal proceeding against such person, other than an indictment for perjury, if the judge shall give to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid

said, and made full and true answer, to the satisfaction of the judge.

18. All other proceedings against any person for any violation of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon any by-law as aforesaid.

Time for commencing actions.

19. The clerk of every municipality shall furnish each returning officer with at least six copies of this Act prior to every election, or the voting upon any by-law, whose duty it shall be to post the same up in conspicuous places within the municipality or polling divisions.

Copy of Act to be posted prior to election.

CAP. XXXVII.

An Act to establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing and Thunder Bay.

[Assented to 2nd March, 1872.]

WHEREAS it is expedient and necessary to grant to the inhabitants of the Territorial Districts of Parry Sound, Muskoka, Nipissing and Thunder Bay the privileges now enjoyed by the remainder of the Province of Ontario, by the establishment of Municipal Institutions in such portions of the said Districts as are warranted by the population:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the inhabitants of any locality in the Districts of Parry Sound, Muskoka, Nipissing, and Thunder Bay, having a population of not less than one hundred persons, within an area of ten thousand acres at least, to organize themselves into a township municipality, in respect of such area of ten thousand acres.

Municipalities may be organized.

2. In order to constitute and establish a municipality as above provided, it shall be lawful for the stipendiary magistrate of the district in which such locality is situate, upon the receipt of a petition in which the limits of the said proposed municipality are defined, and signed by not less than thirty inhabitants of such locality, to call a meeting by public notice of said inhabitants, to consider the expediency of erecting a municipality.

Stipendiary Magistrate, upon petition, to call a public meeting to form municipality.

Petitioners to make a deposit to meet expenses of the meeting and election.

3. Before the said stipendiary magistrate shall call said meeting, it shall be the duty of those petitioning for said municipality, to deposit with him a sum sufficient to meet the expense of said meeting, as also of the election to be held as hereafter provided.

Magistrate to appoint chairman.

4. The said stipendiary magistrate shall name some fit and competent person to preside at said meeting, who shall forthwith report the result of the same, with the votes given thereat, to said stipendiary magistrate, under oath, which may be administered by any justice of the peace.

Magistrate to provide for first election.

5. Upon receiving the report of said meeting for the establishment of a municipality, the stipendiary magistrate shall fix a time and place for holding the first election in said proposed municipality, and shall in the notice providing for said election, name the returning officer who shall preside at said election; but no such municipality shall be established unless at such meeting at least thirty freeholders or householders shall have voted in favor thereof.

First election, how conducted.
Who to vote

6. The said election shall be conducted in the same manner as is provided for municipal elections in Ontario; and the persons qualified to vote at said election shall be the male British subjects of the full age of twenty-one years, and being householders.

Five councillors to be elected.

7. At said election there shall be elected one reeve and four councillors, with the same qualification as voters, who shall constitute the council of said township, the reeve being the head thereof.

Declaration of election.

8. After the said election the said returning officer shall return to the said stipendiary magistrate the result of the same, and the said stipendiary magistrate shall, as soon as may be convenient thereafter, by public notice, declare the names of the persons so elected, who shall forthwith enter upon the duties of their office; and the said municipality shall from thenceforth be known as "The Corporation of the municipality of _____, in the district of _____:" and the said reeve and councillors shall hold and continue in office until their successors are elected, as hereinafter provided.

Name of Municipality.
Tenure of office of councillors.

First meeting of council.

9. The first meeting of the council shall be held at a time and place to be fixed by the stipendiary magistrate.

Appointment and remuneration of clerk, treasurer and collector.

10. The said council shall, at their first meeting, or as early as possible thereafter, appoint a clerk, treasurer, and collector, who shall hold office until removed or dismissed by said council; and the said council shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose.

- 11.** The said council shall, as early as convenient after their first meeting, appoint one or more assessors, who shall enter upon a roll, to be provided for that purpose, the names of all the freeholders and householders in said municipality, and the amount of all the real and personal property owned by them respectively, and the actual value thereof, and at the same time entering on said roll whether the owners are resident or not; and the said assessor or assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if a non-resident, by leaving the same at the nearest post office, stating in such notice the particulars of said assessment.
- Appointment of assessors.
Assessment rolls.
Notice of assessment.
- 12.** The said roll shall be returned to the clerk of the municipality within such time as shall be provided for by a by-law to be passed by said council.
- Rolls to be returned to clerk.
- 13.** The person or persons so assessed, if he shall complain of his assessment, shall, within one month after the time fixed for returning said roll, notify, in writing, the clerk of his grounds of complaint.
- Appeal against assessment.
- 14.** The said council shall, within two months after the time fixed for returning the roll, appoint a time and place for hearing said complaints, and shall, after hearing the parties complaining, as well as the assessor or assessors, and such evidence as may be adduced, alter or amend the roll accordingly, and such decision shall be considered as final.
- Council to hear and determine appeals.
- 15.** The said roll, so finally revised, shall be taken and held as the roll of the municipality, for all purposes, until a new roll shall have been made and returned as hereinafter provided.
- Revised roll to be the roll of the municipality.
- 16.** The said council shall, by by-law, fix the time for making the assessment in the municipality at periods of not less than one nor more than three years; Provided always that the year for the purposes of this Act shall be considered as commencing on the first day of July in each and every year.
- Council to fix time for making assessment.
- 17.** The council may, in each and every year after the final revision of the roll, pass a by-law for levying a rate on all the real and personal property on said roll of not more than two cents on the dollar, to provide for all the necessary expenses of said municipality, and also such sum or sums as may be found expedient for the purposes mentioned in the next section of this Act.
- Council to levy rates.
- 18.** The said council shall have power to pass by-laws for such purposes as are provided for regarding townships under the Municipal Institutions Acts of Ontario; and the provisions of the said Acts relating to township municipalities and their officers
- Council to pass certain by-laws.

officers shall apply to the municipalities erected under this Act except where inconsistent with this Act.

The Collector,
his returns and
powers.

19. The said council shall, by by-law, fix the time for the collector making his return, and the said collector shall have the same powers as are conferred on collectors by the said Municipal Institutions Acts of Ontario.

Second elec-
tion of Coun-
cillors.

20. The second election of the council shall take place on the first Monday in July in the second year after the first election, and every subsequent election on the first day of July in each and every year thereafter; and the said council shall, by by-law, fix the place for holding the said election, and shall also name the returning officer to preside at said election, and the said election shall be conducted in the same manner as is provided for township elections in Ontario.

Who qualified
to vote.

21. The persons qualified to vote at every election after the first shall be the resident male freeholders and householders of said municipality whose names appear in the last revised assessment roll, of the full age of twenty-one years, and naturalized or natural born subjects of Her Majesty; and the said roll shall be taken to be final and conclusive, so far as the qualification of electors is concerned.

Qualifications
of Councillor

22. The persons qualified to be elected as members of the council in said municipality after said first election, shall, in addition to the qualification required for voters, be assessed in the said assessment rolls for at least two hundred dollars freehold or four hundred dollars leasehold.

Vacancy in
Council, how
filled.

23. In case the seat of any member of the council shall become vacant by death, resignation or a continued absence from meetings of the council for a period of six months, it shall be the duty of the council to direct a new election to be held, for the purpose of supplying such vacancy.

Who to pre-
side at meet-
ings of the
Council.

24. The reeve of the said council shall preside at all meetings thereof, and, in the event of his absence, the council shall choose, from among their number, a person to preside, and, in such case, the said person so presiding shall have all the powers and exercise all the functions appertaining to the reeve.

Councillors to
be Justices of
the Peace.

25. The reeves of the various municipalities shall be *ex officio* justices of the peace, and shall have the like powers as are exercised by justices of the peace in the Province of Ontario.

Council to re-
gulate tavern
licences.

26. The council shall have the power to pass by-laws regulating and limiting the number of licenses for the sale of intoxicating

eating liquors, for appointing an inspector, and for enforcing their said by-laws and regulations.

27. The said council may establish and maintain a lock-up house within the municipality, and may establish and provide for the salary or fees to be paid the constable to be placed in charge of such lock-up house ; provided always that the appointment of said constable shall be ratified by the stipendiary magistrate of the district ; and the said council shall have power to remove or suspend such constable for neglect of duty or other misconduct.

Council may establish a lock-up house.

Appointment of a Constable thereto.

28. The council shall have the power to appoint one or more constables, within the municipality, whose duty it shall be to enforce and maintain law and order, and who shall perform all duties appertaining to constables in Ontario ; and the said council shall have the power, from time to time, to remove the same, for any misconduct in their office, and shall also regulate the fees to be paid said constables ; Provided always that such appointment and tariff of fees shall be subject to the approval and ratification of the stipendiary magistrate of the said district.

Appointment and removal of Constables.

Fees to constables.

29. On the petition of thirty of the inhabitants of a village, in any of the said Territorial Districts containing one hundred inhabitants at least, the Lieutenant-Governor in Council may, by proclamation erect the same into a police village, and assign thereto such limits as may seem expedient.

Erection of police villages.

30. The provisions of the Municipal Acts of Ontario, relating to police villages or their officers shall apply to the police villages erected under the preceding section, except when inconsistent with this Act.

Municipal Acts to apply to police villages.

31. The electors of any such police village shall be required to have the same qualification in respect to such village as the electors of the said township municipalities; and the elections for police trustees shall be held on the same days and in the same manner as elections for councillors.

Qualification of electors and elections in police villages.

32. Any elector of such police village resident therein may be elected as a police trustee, unless disqualified on account of holding an office inconsistent with the position of police trustee.

Police trustees.

33. In addition to the powers conferred upon said township or village municipalities by this Act, the following sections, with their sub-sections of the Municipal Institutions Act passed in the session held in the twenty-ninth and thirtieth years of the reign of Her Majesty, and chaptered fifty-one, shall be applicable to the said municipality, so far as they can be adapted to the same, viz : "Sections one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty five,

Certain sections of 29 & 30 Vic., c. 51, to apply.

five, one hundred and sixty, one hundred and sixty-one, one hundred and sixty-two, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-six, one hundred and ninety-three, one hundred and ninety-four, one hundred and ninety-eight, one hundred and ninety-nine, two hundred, two hundred and one, two hundred and two, two hundred and three, two hundred and four, two hundred and five, two hundred and six, two hundred and seven, two hundred and eight, two hundred and nine, two hundred and ten, two hundred and eleven, two hundred and eighteen, two hundred and forty-six, three hundred and thirty-eight, three hundred and thirty-nine.

CAP. XXXVIII.

An Act to consolidate and amend the laws for Protection of Game and Fur-bearing Animals in Ontario.

[Assented to 2nd March, 1872.]

WHEREAS it is expedient to consolidate and amend the laws respecting preservation of Game in Ontario: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Repeal of
former Acts.

1. The Act passed in the thirty-first year of Her Majesty's reign, chaptered twelve, and the Act passed in the thirty-second year of Her Majesty's reign, chaptered twelve, and the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered thirty-five, and all Acts and parts of Acts of the Provinces, formerly called "Upper Canada" and "Canada," and of Ontario, in so far as they relate to the protection of the animals and birds in this Act mentioned, are hereby repealed.

Protection of
game.

Periods.

2. None of the said animals or birds shall be hunted, taken, or killed, within the periods hereinafter limited; Deer, Elk, Moose, Reindeer or Cariboo, between the first day of December and the first day of September in the following year; wild Turkeys, Grouse, Pheasants or Partridges, between the first day of January and the first day of September; Quail, between the first day of January and the first day of October; Woodcock, between the first day of January and the first day of July; Snipe, between the first day of May and the fifteenth day of August; Waterfowl,

Waterfowl, which are known as Mallard, Grey Duck, Black Duck, Wood or Summer Duck, and all the kinds of duck known as Teal, between the first day of January and the fifteenth day of August; Hares or Rabbits, between the first day of March and the first day of September.

3. Except in the Counties of Essex, Kent, Lambton and Middlesex, no quail shall be hunted, taken or killed for two years from the passing of this Act. Quail not to be killed in certain counties for two years.

4. No person shall have in his possession any of the said animals or birds, or any part or portion of any of such animals or birds, during the periods in which they are so protected; Provided that they may be exposed for sale for one month, and no longer, after such periods, and may be had in possession for the private use of the owner and his family at any time; but in all cases the proof of the time of killing or taking shall be upon the party so in possession. Possession how far lawful.

5. No eggs of any of the birds above-mentioned shall be taken, destroyed, or had in possession by any person at any time. Protection of eggs.

6. None of the said animals or birds, except the animals mentioned in the eighth section of this Act, shall be trapped or taken by means of traps, nets, snares, gins, baited lines, or other similar contrivances; nor shall such traps, nets, snares, gins, baited lines, or contrivances, be set for them, or any of them, at any time; and such traps, nets, snares, gins, baited lines and contrivances, may be destroyed by any person without such person thereby incurring any liability therefor. Trapping forbidden.

7. None of the contrivances for taking or killing the wild fowl known as Swans, Geese or Ducks, which are described as batteries, sunken punts or night lights, shall be used at any time. Batteries, etc., for wild fowl forbidden.

8. And whereas fur-bearing animals should be protected during the seasons when their skins are of little value, be it enacted that no Beaver, Muskrat, Mink, Martin, Raccoon, Otter or Fisher, shall be hunted, taken, killed, or had in the possession of any person between the first day of May and the first day of November; nor shall any traps, snares, gins, or other contrivances, be set for them during such period; nor shall any Muskrat-house be destroyed at any time; and any such traps, snares, gins, or other contrivances, so set, may be destroyed by any person without such person thereby incurring any liability therefor; Provided that this section shall not apply to any person destroying any of said animals in defence or preservation of his property. Fur-bearing animals protected.

9. Offences against this Act shall be punished upon summary Penalties.
F conviction

conviction on information or complaint before a Justice of the Peace as follows, with costs :—

(1.) In the case of Deer, Elk, Moose, Reindeer or Cariboo, by a fine not exceeding fifty dollars, nor less than ten dollars, for each animal ;

(2.) In the case of birds or eggs, by a fine not exceeding twenty-five dollars, nor less than five dollars, for each bird or egg ;

(3.) In the case of the fur-bearing animals, mentioned in the eighth section of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars, for each animal ;

(4.) In the case of other breaches of this Act, by a fine not exceeding twenty-five dollars, nor less than five dollars.

Disposition of
penalties.

10. The whole of such fine shall be paid to the prosecutor, unless the convicting justice shall have reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused, in which case the said justice may order the disposal of the fine as in ordinary cases.

CAP. XXXIX.

An Act to provide for the filling up of or otherwise shutting off the water flowing into abandoned Oil Wells.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS there are in the oil districts of the Province of Ontario a large number of wells which have been sunk for oil and afterwards abandoned either from the fact that the said wells were non-producing or from some other cause ; and whereas new wells are continually being sunk in the said oil districts and afterwards are not worked and are abandoned as being non-producing wells or from some other reason ; and whereas the abandoning of the said wells without first filling them up or otherwise shutting off the water flowing into the said wells is injurious to the other oil well owners and retards and injures the working of producing wells in the vicinity of such abandoned wells ; and whereas it is necessary to make some provision for the filling up or otherwise shutting off the water flowing into such abandoned wells :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Owners of well
injured may }
apply to

1. That if the working of any oil well is retarded or injured by the water existing in or flowing into any abandoned oil well

well in the vicinity of the well so injured, it shall and may be lawful for the owner of such well so injured to apply to the municipal council of the municipality, in which such abandoned well is situated, for the purpose of being allowed by such council to either fill up such abandoned well or in some other effectual way to shut off the water flowing therein; and the council shall, upon such application being made in writing by the party injured or aggrieved briefly setting forth the grievance, order some engineer or other competent person to examine the said abandoned well, and after such examination to report to the said council in writing whether in his opinion the party complaining is injured as alleged, and whether the said abandoned well should be filled up, or the water flowing therein shut off in some other and what manner.

municipal
councils to fill
up abandoned
wells.

Powers of the
council.

2. In case the said engineer or other competent person reports to the council that in his opinion the said abandoned well so complained of should be filled up, or that the water flowing therein should be shut off in some other way, then in such case the clerk of such council shall mail to the owner or owners of such abandoned well, or to some one of such owners, or to his or their agent in charge of the premises where such abandoned well is situate, a copy of such report with a notice in writing signed by said clerk stating that unless said abandoned well is filled up or the water flowing therein is effectually shut off in accordance with the opinion contained in the said report, that the party complaining will proceed to do the work as provided in the next section.

If engineer re-
ports a well
should be filled
up, owners
thereof to be
notified.

3. If the said abandoned well is not filled up, or the water flowing therein otherwise shut off in accordance with the opinion contained in said report, within twenty days from the time of the mailing of the said notice, then it shall and may be lawful for the party complaining to proceed to the filling up of the said abandoned well, or the shutting off of the water flowing therein in accordance with the terms of the said report; and no action of trespass or other action for damages shall lie or be maintainable against the party, his servants or agents for so doing.

Cases wherein
complainant
may fill up.

CAP. XL.

An Act to amend the Act respecting the granting of Charters of Incorporation to Manufacturing, Mining, and other companies.

[Assented to 2nd March, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

27 and 28 V.,
c. 23, s. 1,
amended.

1. The following section is hereby added as the eleventh subsection of the first section of the Act chaptered twenty-three of the Acts passed by the Parliament of the late Province of Canada in the Session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, and shall be read and construed as part of the said first section, that is to say :—

(11.) Carrying on within the Province of Ontario of the business of elevating and storing wheat, grain and other produce, and the construction, owning, leasing or hiring of the necessary elevator or elevators, with the requisite engines, machinery and appliances therefor, and of forwarding the same and any other goods, wares, merchandize and effects, and the construction, owning, leasing or hiring of sheds, stores and warehouses for the reception and storage of wheat, grain and other produce, goods, wares, merchandize and effects, and of sailing or steam vessels, wharves, roads, engines, cars, trucks and other rolling stock or other property required for the purpose of carrying on such elevating, storing, and forwarding business.

CAP. XLI.

An Act to incorporate the Town of Tilsonburg and to define the limits thereof.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the inhabitants of the police village of Tilsonburg in the Township of Dereham, in the County of Oxford, and of the adjacent territory included within the boundaries hereinafter mentioned have by their petition represented that the population of the said village is increasing at a rapid rate and now amounts to over sixteen hundred, and that the Canada Air Line Railway and the Canada Southern Railway, now building, both pass over the said territory included within the said boundaries, whereby the said town, owing to its central and favourable location, will attract the trade of a large, populous and wealthy section of country and will probably increase in population faster in the future than in the past, and that in order to promote its progress and prosperity and to enable the inhabitants thereof to make police regulations and regulations for the protection of property from fire and to carry out the improvements they are desirous of making; and whereas a part of the said territory is within the Township of Middleton in the County of Norfolk, and in compliance with a resolution passed by a public meeting duly convened to consider the matter of incorporation it is desirable that the said police village and the said adjacent territory

territory be incorporated as a town: and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. On and after the passing of this Act the inhabitants of the said police village of Tilsonburg and of the said adjacent territory shall be and they are hereby constituted a corporation or body politic under the name of the “Corporation of the Town of Tilsonburg” apart from the said Townships of Dereham and Middleton in which the said police village and adjacent territory are situate; and shall enjoy all the rights, powers and privileges enjoyed by incorporated towns in the Province of Ontario and exercised by the councils thereof under the existing municipal laws of the said Province, which are hereby made applicable thereto, but only so far as the same are not inconsistent herewith.

Town of Tilsonburg incorporated.

2. The said town shall comprise and consist of the following lots and parts of lots, namely : lots numbers three, four, five and six in the eleventh concession of the Township of Dereham in the County of Oxford, lots numbers two, three, four and five in the twelfth concession of the said Township of Dereham, and those portions of lots numbers seven, eight, nine and ten in the fourth concession of the Township of Middleton in the County of Norfolk, and lots numbers seven and eight in the fifth concession of the said Township of Middleton described as follows—commencing in the southern limit of lot number two in the twelfth concession of the Township of Dereham aforesaid at the distance of forty-two rods more or less from the south eastern corner of the said lot, thence south thirty degrees east along the eastern limit of lot number ten in fourth concession of the said Township of Middleton forty-one chains, thence south seventy-nine degrees ten minutes west eighty chains more or less to the western limit of lot number seven in the said fourth concession, thence north thirty degrees west along the western limits of lot number seven in the fourth concession aforesaid and lot number seven in the fifth concession aforesaid forty-one chains more or less to the southern limit of lot number five in the twelfth concession of the Township of Dereham, thence north seventy-nine degrees ten minutes east along the southern limits of lots numbers five, four, three and two in the twelfth concession aforesaid to the place of beginning.

Limits of the town.

3. The said Town of Tilsonburg shall be divided into three wards to be called, respectively, East Ward, West Ward and South Ward.

Wards.

(1.) East Ward shall be composed of that part of the said town described as follows: commencing at the north eastern corner

East ward.

corner

corner of lot number three in the eleventh concession of the township of Dereham aforesaid, thence southerly along the easterly boundary of said lot number three to the twelfth concession of the said township, thence easterly to the north-east corner of lot number two in the twelfth concession aforesaid, thence south along the easterly boundary of the said lot number two to the centre of the Otter Creek, thence westerly along the bed of the said creek to Simcoe street in the said police village of Tilsonburg, thence westerly along Simcoe and Bloomer streets to Broadway street, thence northerly along Broadway street to Washington Grand Avenue, thence along Washington Grand Avenue to the Market Square, thence through and from Market Square along a proposed new street leading from the Market Square to Durham street to Stony Creek, thence northerly through the centre of the bed of Stony Creek to the northern limit of the eleventh concession aforesaid, thence easterly to the place of beginning.

West ward.

(2.) West Ward shall be composed of that part of the said town described as follows: commencing at the centre of the bed of Stoney Creek where it crosses the northern limit of the eleventh concession aforesaid, thence southerly along the bed of said creek to a proposed new street leading from the Market Square to Durham street, thence along the proposed new street through the Market Square to Washington Grand Avenue thence along Washington Grand Avenue to Broadway street thence southerly along Broadway street to Ridout street, thence along Ridout street to Rolfe street, thence northerly along Rolfe street to Washington street, thence along Washington street westerly to the westerly limit of the said town, thence northerly along the western limit of lot number five in the twelfth concession aforesaid to the southern limit of the eleventh concession aforesaid, thence westerly along the southern limit of lot number six in the eleventh concession aforesaid to the westerly limit of said lot, thence northerly along the westerly limit of the said lot number six to the northern limit of the eleventh concession, thence easterly to the place of beginning.

South ward.

(3.) South Ward shall be composed of that part of the said town described as follows: commencing at the centre of the bed of the Otter Creek where it intersects the eastern limit of lot number two in the twelfth concession aforesaid, thence southerly along the eastern boundary of the said lot to the south-east corner thereof, thence westerly forty-two rods along the southern boundary of said lot number two, thence south thirty degrees east forty one chains along the eastern limit of lot number ten in the fourth concession of the Township of Middleton, thence south seventy-nine degrees and ten minutes west eighty chains to the western limit of lot number seven in the fourth concession aforesaid, thence north thirty degrees west along the western boundary of lot number seven aforesaid and lot number seven in the fifth concession of the said Township of Middleton to

to the southern limit of lot number five in the twelfth concession aforesaid, thence westerly along the said southern limit of lot number five to the south west corner of said lot, thence northerly along the westerly limit of said lot to where Washington street intersects the said westerly limit, thence easterly along Washington street to Rolfe street, thence southerly along Rolfe street to Ridout street, thence easterly along Ridout street to Broadway street, thence southerly along Broadway street to Bloomer street, thence along Bloomer and Simcoe streets to the centre of the bed of the Otter Creek, thence along the centre of the bed of Otter Creek easterly to the place of beginning.

4. Immediately after the passing of this Act it shall be lawful for John Secord, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors at the Sons' Hall in the said town at the hour of noon; and he shall give one week's notice thereof in a newspaper published in the said town, and on the same day, also by one week's written notice posted up in at least two conspicuous places in each ward of the said town of such nomination; and he shall preside at such nomination, or, in case of his absence, the electors present shall choose from among themselves a chairman to officiate who shall have all the powers of a returning officer; and the polling for the said election shall be held on the same day of the week in the week next following the said nomination.

Nomination
for first elec-
tion of mayor,
etc.

5. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the said town is divided; and in the discharge of their duties such returning officer and deputy returning officers shall, before holding the said election, take the oath or affirmation now required by law and shall be respectively subject to all the provisions of the existing Municipal Acts applicable to returning officers at elections in towns as far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform the several duties of town clerks with respect to municipal elections in towns.

Returning
officers, powers
and duties of.

6. The clerks of the said Townships of Dereham and Middleton and any other officers thereof shall upon demand made to them by the said returning officer or any other officer of the said town at once furnish the said returning officer or any other officer with a certified copy of so much of the last revised assessment roll for the said village and townships as may be required to ascertain the persons entitled to vote at such first election, or with the collector's roll, document, writing, statement or deed that may be required; and the said returning officer shall furnish each of his said deputies with true copies of said roll as far as the same relates to voters resident in the several wards in the said town and so far as such assessment roll contains the

Township
clerks to fur-
nish copy of
rolls.

the names of the male freeholders and householders rated thereon, which copies shall be verified on oath or as is now required by law.

Council, of
whom com-
posed, powers,
etc

7. The council of the said town to be elected in manner aforesaid shall consist of the mayor who shall be the head thereof, a reeve, and three councillors for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or, if there be no polling, on the same day of the week next following the week of the said nomination; and at subsequent elections in the same manner as in towns incorporated under the provisions of the Municipal Acts in Ontario; and have, use and exercise the powers and privileges vested in the mayor, reeve and councillors in incorporated towns.

Oaths of office,
etc.

8. The several persons who shall be elected or appointed under this Act shall take the oaths of office and of qualification in the manner now prescribed by law and in accordance with this Act.

Qualifications.

9. That at the first election of mayor, reeve and councillors of the said town, the qualification of the electors and of the reeve and officers required to qualify shall be the same as that required in townships, and that of the mayor shall be the same as that of the reeve in townships.

The town
made a sepa-
rate munici-
pality.

10. From and after the holding of the election under this Act the said town shall cease to form part of the Townships of Dereham and Middleton, and shall to all intents and purposes form a separate and independent municipality with all the rights, privileges and jurisdiction of an incorporated town in Ontario, and shall be attached to and form part of the County of Oxford.

Rights and
liabilities
between the
town and
townships.

11. The council of the said town shall be entitled to recover from the said Townships of Dereham and Middleton such share of all moneys on hand, due, owing and of right collectable by and belonging to the said townships at and prior to the said time of incorporation, or thereafter if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said town formerly within the boundaries of the said townships respectively as shown by the collector's roll of the year one thousand eight hundred and seventy-one bears to the whole amount of the assessed property of the said townships respectively: and the said town shall be liable to pay to the said townships a share in the same proportion of all debts and liabilities existing against the said townships at the time this Act shall come into force as the same shall become due and which are fairly and equitably chargeable against the said town; the said share in case of dispute to be decided by arbitration under the provisions of the Municipal Acts of Ontario.

12. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of the said town, and incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever required by the clerks or other officers of the councils of the said townships or otherwise shall be borne and paid by the said town council to the said township council or any party entitled thereto.

Certain expenses made payable by the town.

CAP. XLII.

An Act to incorporate the Town of Durham and to define the limits thereof.

[Assented to 2nd March, 1872.]

WHEREAS the inhabitants of the unincorporated village of Durham, in the Townships of Bentinck and Glenelg, in the County of Grey, have by their petition, represented that the said village has a population of fourteen hundred or thereabouts, and that the population of the said village is increasing and will be further augmented by the early construction of railways and other causes, and in order to enable the inhabitants to make and carry out certain necessary improvements, and in compliance with a resolution passed by a public meeting, duly convened, to consider the matter of incorporation, and numerously attended, it is desirable that the said village be incorporated as a town; and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act the inhabitants of the said village of Durham shall be, and they are hereby constituted a corporation or body politic, under the name of the "Corporation of the Town of Durham," apart from the said Townships of Bentinck and Glenelg respectively, in which it is situate, and shall enjoy all the rights, powers and privileges enjoyed by incorporated towns in the Province of Ontario, and exercised by the council thereof under the existing municipal laws of the said Province, which are hereby made applicable thereto, but only so far as the same are not inconsistent herewith.

Town of Durham incorporated.

2. The said town shall comprise and consist of the following farm lots, with such parts thereof as are laid out and known as the Durham town plot, or otherwise, that is to say, the second and third divisions of lot number twenty-four and lots numbers twenty-five,

Limits defined.

twenty-five, twenty-six and twenty-seven in the first concession from the Garafraxa Road, in the Township of Bentinck, in the County of Grey, and the second and third divisions of lot number twenty-four and lots numbers twenty-five, twenty-six and twenty-seven in the first concession from the Garafraxa Road, in the Township of Glenelg, in the said County of Grey.

Wards.

3. The said Town of Durham shall be divided into three wards to be called North Ward, East Ward, and West Ward:

(1.) North Ward shall be composed of the second and third divisions of lot number twenty-four in the first concession from the Garafraxa Road, in the Townships of Bentinck and Glenelg respectively, and so much of lot twenty-five in the said first concessions and Townships of Bentinck and Glenelg respectively as lies north of Chester Street, in the Durham town plot;

(2.) East Ward shall be composed of all that part of lots twenty-five, twenty-six and twenty-seven in the first concession from the Garafraxa Road, in the Township of Glenelg, as lies south of Chester Street aforesaid:

(3.) West Ward shall be composed of all that part of lots twenty-five, twenty-six and twenty-seven in the first concession from the Garafraxa Road, in the said Township of Bentinck, lying south-west of Chester Street aforesaid.

First election
of mayor, &c.

4. Immediately after the passing of this Act it shall be lawful for John Moodie, of the said village of Durham, assessor, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve, and councillors, at the school house in the said town, at the hour of noon, and he shall give one week's notice thereof in a newspaper published in the said town, and on the same day also by one week's written notice posted up in at least two conspicuous places in each ward of the said town of such nomination; and he shall preside at such nomination, or in case of his absence the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer; and the polling for the said election shall be held on the same day of the week in the week next following the said nomination.

Duties of Re-
turning and
Deputy Re-
turning officers

5. The said returning officer shall, by his warrant, appoint a deputy returning officer for each of the wards into which the said town is divided; and in the discharge of their duties such returning officer and deputy returning officers shall, before holding the said election, take the oath or affirmation now required by law, and shall be respectively subject to all the provisions of the existing Municipal Acts applicable to returning officers at elections in towns, as far as the same do not conflict with this Act; and the said returning officer shall have all the powers

powers and perform the several duties of town clerks with respect to municipal elections in towns.

6. The clerks of the said Townships of Bentinck and Glenelg respectively, and any other officers thereof respectively, shall, upon demand made upon him by the said returning officer, or any other officer of the said town, at once furnish the said returning officer, or any other officer, with a certified copy of so much of the last revised assessment roll for the said village and townships as may be required to ascertain the persons entitled to vote at such first election, or with the collector's roll, document, writing, statement or deed that may be required; and the said returning officer shall furnish each of his said deputies with true copies of the said roll, as far as the same relates to the voters resident in the several wards in the said town, and so far as such assessment roll contains the names of the male freeholders and householders rated thereon; which copies shall be verified on oath, or as is now required by law.

Assessment rolls of Bentinck and Glenelg, furnishing of.

7. The council of the said town, to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, a reeve and three councillors for every ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination; and at subsequent elections in the same manner as in towns incorporated under the provisions of the Municipal Acts in Ontario; and have use and exercise the powers and privileges vested in the mayor and councillors in incorporated towns.

Council, of whom composed.

8. The several persons who shall be elected or appointed under this Act shall take the oath of office and of qualification in the manner now prescribed by law, and in accordance with this Act.

Oaths of office, &c.

9. That at the first and all subsequent elections of mayor, reeve and councillors, and at all parliamentary elections, the qualification of the electors and of the officers required to qualify shall be the same as that required in the townships; and that of the mayor shall be the same as that of reeves in townships.

Qualification.

10. From and after the holding of the election under this Act, the said town shall cease to form part of the Townships of Bentinck and Glenelg respectively, and shall, to all intents and purposes, form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated town in Ontario.

Town a separate municipality.

11. The council of the said town shall be entitled to recover from the said Townships of Bentinck and Glenelg respectively, such share of all moneys on hand, due, owing or of right collectable

Liability and rights between the town or townships.

lectable by and belonging to the said Townships respectively at and prior to the said time of incorporation or thereafter, if entitled thereto, as shall bear such proportion to the whole, as the amount of the assessed property within the limits of the said town, as shewn by the collector's roll of the year one thousand eight hundred and seventy-one bears to the whole amount of the said townships respectively; and the said town shall be liable to pay to the said townships respectively a share in the same proportion of all debts and liabilities existing against the said townships respectively at the time this Act shall come into force as the same shall become due.

Expenses of
assessment to
be paid by the
town.

12. The expenses of any assessment imposed for the present year, so far as the same relates to assessments made within the limits of the said town, and expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever required by the clerk or other officer of the council of the said townships respectively or otherwise, shall be borne and paid by the said town council to the said township councils respectively, or any other party entitled thereto.

CAP. XLIII.

An Act to amalgamate the "Toronto, Simcoe and Muskoka Junction Railway Company" and the "North Grey Railway Company" under the name of "The Northern Extension Railways Company."

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS, the Toronto, Simcoe and Muskoka Junction Railway Company, and the North Grey Railway Company have by their Petitions represented that it has become desirable for the said Companies to effect an amalgamation, the one with the other, for the purpose of more effectually carrying out the objects and completing the works for which they were incorporated; And whereas the Toronto, Simcoe and Muskoka Junction Railway Company has issued, or agreed to issue, bonds for sixty-one thousand two hundred pounds sterling, secured by a charge upon its railway and property, pursuant to an Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, and chaptered thirty, and has made a lease of its roadway and works to the Northern Railway Company of Canada, dated the first day of April, one thousand eight hundred and seventy-one; and whereas the North Grey Railway Company has issued, or agreed to issue, bonds for thirty-seven thousand eight hundred pounds sterling, secured by a charge upon

upon its roadway and property, pursuant to an Act passed in the thirty-fourth year of the reign of Her said Majesty, and chaptered thirty-six, and has made a lease of its railway and works to the Northern Railway Company of Canada, dated the first day of April, one thousand eight hundred and seventy-one; And whereas the said Companies have at special general meetings of their respective shareholders duly held for that purpose, agreed upon, and ratified a plan or scheme for such amalgamation contained in the agreement set out in schedule "B" to this Act; and whereas, it is expedient that the said agreement for amalgamation, should be legalized and carried into effect:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said agreement forming the schedule "B" to this Act is hereby confirmed; and subject to the provisions of this Act, all the powers, provisions and stipulations, and all and singular other the matters in the said agreement contained, shall be valid and binding as fully and as effectually, and shall in all respects have the same force and effect as though the same and every of them were expressly embodied in this Act.

Agreement between the T. S. and M. J. Railway and N. G. Railway, confirmed.

2. From and after the passing of this Act, the Toronto, Simcoe and Muskoka Junction Railway Company, and the North Grey Railway Company, shall be amalgamated and become one corporation; and the present shareholders of the said respective Companies hereby amalgamated together with such persons and corporations as shall hereafter become shareholders of the Company hereby incorporated, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name and style of "The Northern Extension Railways Company," hereinafter called the "New Company," who shall be invested with, and have all the rights, privileges, property and powers, and be responsible for all the liabilities of the said respective Companies, and shall be held to be the same corporation with each of them so that any right or claim which could be enforced, by or against either of them, may after such union, be enforced by or against the Company hereby incorporated; and any action, suit, or proceeding, pending at the time of such union, by or against either of the said Companies, may be continued and completed by or against the New Company, upon a suggestion of the passing of this Act.

Amalgamation of the Railways.

Corporate name.

New Company to have rights of amalgamated Companies.

3. The said New Company shall have full power and authority to lay out, construct and continue to completion, a double or single iron or steel railway from some point on the Northern Railway of Canada, within the County of Simcoe, connecting the waters of Lake Simcoe with those of Lakes Muskoka and Rousseau, through and within the Counties of Simcoe, Ontario and

Location of Railway.

and Victoria, or any of them, with branches and extensions to the Georgian Bay; and also from some other point on the said Northern Railway at or near the Town of Collingwood, in the County of Simcoe, to or near the Village of Meaford, in the County of Grey, with power to extend the same to Owen Sound, and with full authority to pass over any of the country lying between the points aforesaid, and to carry the said railway through the Crown Lands lying between the points aforesaid.

Leases of lines
to Northern
Railway to re-
main valid.

4. The said respective leases of the lines of railway of the said Toronto, Simcoe and Muskoka Junction Railway Company, and the said North Grey Railway Company, to the Northern Railway Company of Canada, and subsisting contracts with, in favour of and against the Northern Extension Railways Company hereby incorporated, and the provisions thereof, so far as severally applicable to the said respective Companies, shall not be in any way impaired hereby; and the said the Northern Extension Railways Company may keep separate accounts with respect to each of the lines of the said Companies hereby amalgamated, and the said the Northern Railway Company of Canada, for all purposes necessary to the carrying out of the provisions of the said leases.

Certain clauses
of the Railway
Act to apply.

5. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof; and also the several clauses thereof, and amendments, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said New Company, and to the Railways to be constructed by them, except only so far as they may be inconsistent with the express provisions of this Act; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated herewith.

Interpretation
of the words
"this Act."

Election of
Directors.

6. For the management of the affairs of the said New Company, there shall be Seven Directors, of whom four shall be a quorum, who shall be annually elected at a general meeting of the shareholders of the said New Company; the first of which meetings shall be held in the City of Toronto, on the third Wednesday of March, one thousand eight hundred and seventy-two; and thereafter the general annual meeting of the shareholders of the said New Company, for the election of directors and other purposes, shall be held at such place, and on such days, and at such hours, and upon such notice, as may be directed by the By-laws

laws of the said New Company; and no shareholder shall be entitled to be elected a director, unless holding at least two thousand dollars of stock in the said company, upon which all calls shall have been paid; and each of the townships of Collingwood, Euphrasia and St. Vincent, shall be respectively entitled to one of the said seven directors from amongst the duly qualified persons, if any there be, resident in each of said townships.

Qualification
of Directors.

7. If at any time it shall happen that an election of directors shall not be made or take effect on the day fixed under the provisions of this Act, the said New Company shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders, to be duly called for that purpose by the directors; and in the event of the election of directors not being held on the day appointed, the last elected directors shall hold office till their successors are elected.

If Directors
not elected on
proper day
Company not
to be dissolved.

8. Special general meetings of the shareholders of the said New Company may be held at such places, at such times, on such notice, and for such purposes as the directors may from time to time by resolution declare.

Special general
meetings.

9. The present boards of directors of the said Companies hereby amalgamated shall be, and form a joint board of directors of the Company hereby incorporated, and shall hold office until other directors shall be elected under the provisions of this Act.

Provisional
Directors.

10. The capital stock of the New Company hereby incorporated shall be four hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into shares of one hundred dollars each; and every person at the time of the passing of this Act, who shall be a shareholder in either of the Companies hereby amalgamated, shall be entitled to an allotment of an equivalent number of shares in the Company hereby incorporated, and shall receive credit upon such allotted shares for all sums or calls paid upon his shares in the said Companies hereby amalgamated; and the balance of the said capital stock shall be raised by such other persons or corporations who may become shareholders in the Company hereby incorporated; and the moneys so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses, and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized; and all the remainder of such moneys shall be applied to the making, equipment, and completion of the Railways, and the other purposes of this Act, and to no other purpose whatever.

Capital stock.

Application of
the money
raised on the
stock.

11. No subscription for stock in the capital of the New Company shall

Twenty per
shall

cent. to be
paid on the
stock.

shall be binding on the said Company, unless twenty per centum of the amount subscribed shall have been actually paid thereon within fifteen days after subscription, when such subscription shall be made after the passing of this Act, and within one month after the passing of this Act, when the subscription shall have been heretofore made.

Forfeiture of
shares.

12. The Directors shall have power to declare the forfeiture of such subscriptions for non-payment of the twenty per centum thereof within the time aforesaid; and in case of the neglect or refusal of any shareholders to pay any call regularly made, for the space of two months, after the time appointed for the payment thereof, the directors may declare the shares of such shareholders forfeited, and the same and all the profit and benefit thereof, shall thereafter become the property of and accrue to the New Company.

Municipalities
may aid by
granting
bonuses, &c.;

13. It shall be lawful for any municipality or municipalities who may desire to assist in the construction of the said Railway, or any part thereof, to aid or assist the said New Company by loaning or guaranteeing, or giving money by way of bonus or other means to the said Company, or issuing municipal bonds to or in aid of the said Company and otherwise, in such manner and to such extent as such municipalities, or any of them, shall think expedient: Provided always that such aid, loan, bonus, or guarantee, shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting municipal institutions for the creation of debts; and all such by-laws so passed shall be valid, notwithstanding that the annual rate of assessment may exceed the aggregate rate of two cents in the dollar, on the actual value of the whole ratable property within the municipality or portion of municipality creating such debt: Provided always, that in no case shall such rate exceed for all purposes three cents in the dollar on the actual value of such ratable property.

Proviso.

Proviso.

Certain by-
laws
confirmed.

14. The by-laws heretofore passed in aid of the said North Grey Railway Company, by the Townships of Collingwood, Euphrasia and St. Vincent, are hereby confirmed so far as relates to the omission to insert therein a specific day for the same to take effect.

If a portion of
a municipality
desire to aid,
council to pass
a by-law;

15. In case the majority of the persons rated on the last assessment-roll as freeholders, or fifty persons so rated, who may be qualified voters under the Municipal Act in any portion of the municipality other than a county municipality, do petition the council of such municipality to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated; or in the case of a county municipality, the majority of the Reeves and Deputy-Reeves of those townships that may be asked to grant a bonus, do petition the council of such county

county municipality to pass a by-law as hereinafter set out, and in such petition do define the townships for which they are respectively Reeves and Deputy-Reeves, and expressing the desire of the petitioners to aid in the construction of the said railway, by granting a bonus to the said New Company for this purpose, and stating the amount they so desire to grant and to be assessed therefor, the council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified voters voting thereon in the portion of the municipality petitioning as aforesaid, in the manner required by the Municipal Act:—

First,—For raising the amount so petitioned for by such freeholders, or such Reeves or Deputy-Reeves, in such portion of the municipality, by the issue of debentures of the municipality payable in twenty years, and for the delivery to the Trustees of the debentures issued for the amount of said bonus at the times and on the terms specified in said petition: for issuing debentures;

Second,—For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund for the re-payment of the debentures with interest thereon, such interest to be payable yearly or half-yearly; which debentures the municipal councils, and the Wardens, Reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively; and the provisions of the Municipal Acts, and of this Act, shall apply to any bonus so granted or by-law so passed by or for a portion of the municipality. for assessing and levying a special rate.

16. That any county in which are situated a township or townships, that have granted, or hereafter may grant, a bonus or bonuses in aid of the said New Company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the said Company, the debentures of the county, on a resolution being passed to that effect by a majority of the county council. Counties may exchange the debentures of townships for those of the county.

17. The said New Company shall have power to enter into any agreement with municipalities, corporations, or individuals, that have granted or hereafter may grant a bonus or gift in aid of the said railway, respecting the conditions or disposition of any such gift or bonus. Disposition of bonuses.

18. The gauge of the said railway, or any parts thereof, may be such as the directors in their discretion may from time to time determine upon, with power to lay down a third or more rails, as they may think proper. Gauge of railway.

19. The said New Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such promi- Company may make negotiable instruments.

Proviso. sory note made or endorsed by the president or vice-president of the said Company, and countersigned by the secretary of the said Company, shall be binding on the said Company; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary be individually responsible for the same; Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Form of conveyances to Company; **20.** Conveyances of land to the said New Company, for the purposes of this Act, may be made in the form set out in the schedule "A" hereunder written, or to the like effect: and such conveyances shall be registered by duplicates thereof, in such manner, and upon such proof of execution, as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

How registered.

Registrar's fees.

Acquisition of lands. **21.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railways, or for opening a street to any station from an existing highway, the New Company may purchase, hold, use or enjoy such lands, and also the right of way thereto if the same be separated from their railways, and may sell and convey the same, or parts thereof, from time to time, as they may deem expedient; and may also make use of, for the purposes of the said railways, the water of any stream or water-course over or near which the said railways pass, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse; and the compensation to be paid to the owners for such lands, or the use of such water, as also the powers of the said Company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the clause of the Railway Act of the Consolidated Statutes of Canada, respecting "lands and their valuation;" and the provisions of this section shall be applicable to the acquiring by the said New Company of such lands as may become necessary for the use of the said Company at Allandale and Collingwood; Provided that the lands so to be acquired shall not, at either of the said places, exceed eight acres in area.

Use of streams.

Completion of railway. **22.** The lines of the said New Company shall be completed within six years from the passing of this Act: Provided always, that in respect of so much of the said lines as shall have been completed within the said period, all the rights, powers and privileges by this Act conferred shall remain in full force.

Proviso.

Agreements **23.** The said New Company shall have power to make running arrangements

arrangements with any railway lines in the Province of Ontario, ^{with other Companies.} situate on the line hereby authorized to be constructed, or crossing or connecting with the same; and it shall be lawful for the said New Company to enter into any agreement for any period of time notwithstanding any provision of the General Railway Act to the contrary with any other railway company whose road is situate on the line hereby authorized, or whose line can connect therewith, for leasing the railway and works of the said New Company or any part thereof, or the use thereof, at any time or times, or for leasing or hiring from such other company any railway, or part thereof, or the use thereof, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person, or by proxy at a special general meeting, to be called in accordance with the Acts relating thereto, or for the leasing or hiring any locomotives, tenders, plant, rolling stock or other property of either or of both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and every such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be, and is hereby, empowered to exercise all the rights and privileges in this charter conferred; and all the charter powers of any company leasing the lines of the New Company, so far as applicable and not inconsistent with this Act, shall relate and extend to the working of the said lines, or portion thereof, during the term of said lease.

24. Nothing herein contained shall limit, restrict or prejudicially affect the rights of the present holders of all or any of the said bonds, hereinbefore recited to have been issued or agreed to be issued by the Toronto, Simcoe and Muskoka Junction Railway Company and the North Grey Railway Company respectively, until the surrender or cancellation thereof, as hereinafter provided. ^{Rights of present bond-holders secured.}

25. Upon the union of the said Companies, as hereinafter provided and subject to the conditions hereinafter contained, it shall be lawful for the New Company to issue bonds, to any amount not exceeding in the aggregate three hundred and forty thousand pounds sterling or its equivalent, at such exchange as the directors of the Company shall fix, in any other currency; which bonds shall be under the seal of the New Company, signed by its president or other presiding officer and countersigned by its secretary, and may be payable in such money or moneys, at such times, in such manner and at such place or places, in this Province or elsewhere, and bearing such rate of interest as the directors of the New Company shall think fit; Provided that the aggregate amount of such bonds guaranteed or unguaranteed, issued at any time shall not exceed twelve thousand dollars for each mile of the said railway constructed or under contract for construction at the time of such issue, ^{Issue of new bonds.} and

and provided also that the aggregate amount of such bonds as may be issued without the guarantee of interest by the Northern Railway Company under the said leases, shall at no time exceed the amount of the paid up instalments on the share capital of the New Company, together with the amount of paid municipal and other bonuses or subsidies; and the directors of the New Company shall have power to issue and sell or pledge all or any of the said bonds at such price and upon such terms and conditions as they may think fit for the purpose of raising money for prosecuting the said undertaking.

Company may
make new
leases to the
Northern Rail-
way.

26. The New Company may agree and arrange with the Northern Railway Company of Canada to consolidate into one the two said hereinbefore recited leases, and so to vary the terms thereof as that the Northern Railway Company's guarantee given by the said respective leases to and in respect of the bonds of the said Toronto, Simcoe and Muskoka Junction Railway Company and the said North Grey Railway Company respectively, authorized by the said leases to be issued, shall extend and apply as one collective guarantee to the bonds by this Act authorized to be issued by the New Company as and when the same shall be issued in accordance with this Act; and to make any other alteration in the terms of the said leases which may be necessary or expedient, in order to effect and carry out the said amalgamation of the said leases and the said extension and modification, hereinbefore authorized, of the terms of the guarantee.

New bonds to
be first prefer-
ential bonds of
Company.

27. Subject and without prejudice to the said existing bonds and to the rights of the holders thereof, until the same shall be surrendered or cancelled, and thenceforward without any limitation the bonds to be issued by the New Company, under the preceding section, shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the New Company and the undertaking and real and personal property thereof now or at any time hereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer *pro rata*, with all the other holders thereof, upon the said undertaking and real and personal property.

Rights of
bondholders
upon default of
Company.

28. If the Company shall make default in paying the principal or interest of any of the bonds hereby authorized at the time when the same shall by the terms of the bond become due and payable, then at the next ensuing general annual meeting of the said Company and all subsequent meetings, all holders of bonds so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges and qualifications for directors, as would be attached to them as shareholders if they had held fully paid up shares of the New Company to a corresponding amount: Provided nevertheless, that the right given by this section shall not be exercised by any bondholder

Provide.

bondholder unless the bonds in respect of which he shall claim to exercise such rights shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the New Company, and for that purpose the company shall be bound on demand to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares : *Provided* also, that the exercise of the rights given by this section shall not take away, limit, or restrain any other, of the rights or remedies to which the holders of the said bonds shall be entitled.

29. All the bonds, debentures, mortgages, and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall in that case be transferable by delivery; and any holder of any such bonds, debentures, mortgages, or coupons so made payable to bearer, may sue at law thereon in his own name, unless in case of, and until registry thereof, in manner provided in the preceding section; and while so registered they shall be transferable by written transfer, registered in the same manner as in the case of shares, but they shall again become transferable by delivery, upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder, for the time being.

30. Any shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company.

31. All Acts or parts of Acts so far as inconsistent herewith are hereby repealed.

SCHEDULE A.

Know all men by these presents, that I (or we) (*insert also the name of wife or any other person who may be a party,*) in consideration of dollars paid to me (*or as the case may be*) by the Northern Extension Railways Company, the receipt whereof is hereby acknowledged, do grant and convey and I, the said do grant and release (*or do bar my dower in*) (*as the case may be*) all that certain parcel (*or those certain parcels*) (*as the case may be,*) of land situate (*describe the land*) the same having been selected and laid out, by the said Company, for the purposes of their Railway, to hold with the appurtenances unto the said the Northern Extension Railways Company, their successors and assigns.

As witness my (or our) hand and seal, (*or hands and seals,*)
this

this day of one thousand eight hundred
and

Signed, sealed and delivered, in the }
presence of } [L.S.]

SCHEDULE B.

Articles of agreement had, made, and entered into this twenty-seventh day of December, in the year of our Lord one thousand eight hundred and seventy-one, between the Toronto, Simcoe and Muskoka Junction Railway Company, hereinafter called The Muskoka Company, of the one part, and The North Grey Railway Company, hereinafter called, The North Grey Company, of the other part.

Whereas the above mentioned Companies are proceeding with the constructions of the lines of Railway authorized by their respective Acts of Incorporation; and whereas the said Companies have decided that it would be beneficial to their respective interests to consolidate and amalgamate the said Companies, and become thereupon one Company and one Corporation upon the terms and conditions hereinafter mentioned and set forth; Now these presents witness, that the said Companies do hereby for themselves and their successors respectively covenant each with and to the other in manner following, that is to say:—

1. The said Muskoka and North Grey Companies so soon as this agreement shall have been legalized and confirmed by Parliament, shall thereafter be and become one Company and one Corporation under the corporate name of “The Northern Extension Railways Company,” and shall have and retain all the powers, privileges, rights, franchises, moneys and advantages at present possessed by the said Muskoka and North Grey Companies under their respective Acts of Incorporation; and the several clauses of the said Acts so far as the same shall not be inconsistent with this agreement or with the Act legalizing the same, shall be applicable to the said The Northern Extension Railways Company.

2. The capital of the said The Northern Extension Railways Company shall consist of the aggregate capital of the said Muskoka and North Grey Companies as authorized by their respective Acts of Incorporation, with power to the said The Northern Extension Railways Company to increase the said capital as may be deemed necessary under the provisions of the Railway Act of the late Province of Canada.

3. The present shareholders of the said Muskoka and North Grey Companies shall, upon this agreement being confirmed, be allotted an equivalent amount of shares in the said The Northern Extension Railways Company, and shall be bound to pay all calls thereupon as may from time to time be made.

4. That the said The Northern Extension Railways Company shall

shall call in all existing Bonds of the said Muskoka and North Grey Companies, and cancel the same, and that in lieu thereof a corresponding amount of Bonds of the Northern Extension Railways Company shall be issued to the several holders thereof.

5. The present Boards of Directors of the said Muskoka and North Grey Companies shall form a Joint Provisional Board of Direction of the said The Northern Extension Railways Company, and shall hold office as such until other Directors shall be elected under the provisions of the said Act to be obtained, confirming this agreement.

6. Application shall be made by the said Muskoka and North Grey Companies to the Legislature of Ontario, at the next Session thereof, for an Act to legalize and confirm this agreement, and upon the passage of the said Act, this agreement shall take effect and be thereafter binding upon the said parties hereto.

7. The said Act to be applied for confirming this agreement, shall contain a clause rendering the provisions of the charter of the said North Grey Company respecting the representation upon the Board of Directors thereof of qualified residents of the Townships of Collingwood, Euphrasia and St. Vincent, applicable to the Board of Directors of the Northern Extension Railways Company.

In witness thereof, the parties hereto have caused to be hereunto affixed their respective corporate seals on the day and year first above written.

(Signed,) FRANK SMITH,
President T. S. & M. J. Ry. [L.S.]
(Signed,) WM. F. MUNRO,
Secretary T. S. & M. J. Ry.

(Signed,) N. BARNHART,
President N. G. Ry. [L.S.]
(Signed,) F. J. JOSEPH,
Secretary N. G. Ry.

CAP. XLIV.

An Act to Incorporate the South Simcoe Junction Railway Company.

[Assented to 2nd March, 1872.]

WHEREAS the construction of a railway from some point Preamble.
on the line of the Northern Railway of Canada, at or near
King station, to a point in or in the neighbourhood of Alliston,
with power to extend and connect with the Northern Railway at or
near Angus, would be of great public advantage to that section
of

of country; and whereas a petition has been presented for the incorporation of a company for that purpose, and it is expedient to grant the prayer of such petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The Honourable Frank Smith, P. D. Kelly, William H. Howland, John Fisher, Noah Barnhart, George Fletcher, John Turner, Robert Tegart, Humphrey Lloyd Hime, Henry Tyson, Anthony Eastwood, Garrett Brown, George Hughes, James Manning, William Jones, John Ross, William McClain, James Dinwoody, George Davis, George P. Hughes, Alexander Totten, Henry S. Howland, James D. Edgar, George A. Nolan, Thomas Fisher, Thomas Ridd, Arthur Armstrong and John Lamb, together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of "The South Simcoe Junction Railway Company."

Corporate Name.

Certain clauses of the Railway Act to apply

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said Company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof: and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Interpretation of the words "this Act."

Location of Line.

3. The said Company shall have full power to lay out, construct and complete a double or single iron or steel railway of such width of gauge as the Company may think fit from some point on the line of the Northern Railway of Canada, at or near King station, to a point in, or in the neighbourhood of Alliston, with power to extend and connect with the Northern Railway at or near Angus, and with full authority to pass over any of the country between the points aforesaid and to carry the said railway through the Crown lands lying between the points aforesaid.

Provisional Directors,

4. The persons named in the first section of this Act, with power

power to add to their number, shall be and are hereby constituted Provisional Directors of the said Company, of whom seven shall be a quorum, and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking and to receive payment on account of stock subscribed, and make calls upon subscribers in respect of their stock and to sue for and recover the same, and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed and to withdraw the same for the purposes of the undertaking, and to receive for the Company any grant, loan, bonus or gift made to it in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under the Railway Act are vested in ordinary directors.

5. The capital stock of the said Company shall be two hundred thousand dollars (with power to increase the same in manner provided by the Railway Act) to be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorised; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway and other purposes of this Act.

6. No subscription for stock in the capital of the Company shall be binding on the Company unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

7. It shall be lawful for any municipality or municipalities who may desire to assist in the construction of the said Railway, or any part thereof, to aid or assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the said company, or issuing municipal bonds to or in aid of the said company, and otherwise, in such manner and to such extent as such municipalities, or any of them, shall think expedient; Provided always that such aid, loan, bonus, or guarantee, shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting municipal institutions for the creation of debts; and all such by-laws so passed, shall be valid, notwithstanding that the annual rate of assessment may exceed the aggregate rate of two cents in the dollar, on the actual value of the whole ratable property within the municipality or portion of municipality creating such debt; Provided always, that in no case shall such rate

their powers.

Capital Stock.

Application of the money raised on the Stock.

Ten per cent. to be paid on Stock.

Municipalities may aid by granting bonuses, &c.

Proviso.

Proviso.

rate exceed for all purposes three cents in the dollar on the actual value of such ratable property.

If a portion of a municipality desire to aid, council to pass a by-law.

8. In case the majority of the persons rated on the last assessment-roll as freeholders, or fifty persons so rated, who may be qualified voters under the Municipal Act in any portion of the municipality, other than a county municipality, do petition the council of such municipality to pass a by-law as hereinafter set out, such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated; or in the case of a county municipality, the majority of the reeves and deputy-reeves of those townships that may be asked to grant a bonus, do petition the council of such county municipality to pass a by-law as hereinafter set out, and in such petition do define the townships for which they are respectively reeves, and deputy reeves, and expressing the desire of the petitioners to aid in the construction of the said railway, by granting a bonus to the said company for this purpose, and stating the amount they so desire to grant and to be assessed therefor, the council of such municipality shall pass a by-law, provided the said by-law shall be approved of by the majority of the qualified voters voting thereon in the portion of the municipality petitioning as aforesaid, in the manner required by the Municipal Act:—

For issuing debentures

First,—For raising the amount so petitioned for by such freeholders, or such reeves or deputy-reeves, in such portion of the municipality, by the issue of debentures of the municipality payable in twenty years, and for the delivery to the Trustees of the debentures issued for the amount of said bonus at the times and on the terms specified in said petition :

For assessing and levying a special rate.

Second,—For assessing and laying upon all the ratable property lying within the section defined by said petition an equal annual special rate, sufficient to include a sinking fund for the re-payment of the debentures with interest thereon, such interest to be payable yearly or half-yearly; which debentures the municipal councils, and the wardens, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively; and the provisions of the Municipal Acts, and of this Act, shall apply to any bonus so granted or by-law so passed by or for a portion of the municipality.

Counties may exchange the debentures of townships for those of the county.

Third,—That any county in which are situated a township or townships, that have granted, or hereafter may grant, a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the said Company, the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

Aid may be

9. The said Company may receive either from any persons or

or bodies corporate, municipal or politic, who may have power granted to make or grant the same, in aid of the construction, equip- railway.
ment and maintenance of the said railway, bonuses, loans or
gifts of money or securities for money.

10. When and so soon as one fifth part of the said capital stock shall have been subscribed as aforesaid, and twenty per centum thereon has been paid into some one of the chartered banks of the Province, to be held for the purposes of the company, the Provisional Directors shall call a general meeting of the subscribers to the said capital stock at the City of Toronto for the purpose of electing Directors of the said Company, giving at least four weeks' notice by public advertisement of the time, place and purpose of said meeting, in accordance with the by-laws of the company. General meeting for election of Directors.

11. At such general meeting the subscribers for the capital stock assembled, who shall have so paid up twenty per centum thereof, with such proxies as may be present shall choose seven persons to be Directors of the said Company (of whom four shall be a quorum) and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. Election of Directors.

12. No person shall be qualified to be elected as such Director by the shareholders unless he be a shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon. Qualification of Directors

13 Thereafter the general annual meeting of the shareholders of the said Company shall be held at such place in the City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said Company; and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette* and in one or more newspapers published in Toronto. General Annual Meetings.

14. Special general meetings of the shareholders of the said Company may be held at such places in the City of Toronto, and at such times and in such manner and upon such notice as required in the last preceding section, and for such purposes as may be provided by the by-laws of the Company. Special General Meetings.

15. The Directors of the said Company are hereby authorized and empowered to issue bonds for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company real and personal; and such bonds shall be in such form and for such amount and payable at such times and places as the Directors from time to time may appoint and direct. The said bonds shall be signed by the President or Vice-President and shall Issue of Bonds.

Form of
Bonds.

shall have the corporate seal of the Company attached thereto; provided that the amount of such bonds shall not exceed twelve thousand dollars per mile to be issued in proportion to the length of railway under contract to be constructed under and by virtue of this charter; but the issue of such bonds shall in no case exceed the amount of paid up stock bonuses granted or other securities for money.

Rights of
bond-holders
when interest
in arrear.

16. In the event at any time of the interest upon any of the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said Company, all holders of such bonds shall have the same rights, privileges and qualification for Directors and for voting as are attached to the shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Bonds and
Coupons may
be payable to
bearer.

17. All such bonds, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of bonds so made payable to bearer may sue thereon in his own name.

Rights of
Aliens.

18. All shareholders in the said Company, whether British subjects or aliens, or resident in Canada or elsewhere, have and shall have equal rights to hold stock in the said Company and to vote on the same and to be eligible to office as Directors in the said Company.

Negotiable
Instruments.

19. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the President or Vice-President or Secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein enacted; Provided however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Calls upon
shareholders.

20. The Directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit, except that no such instalment

instalment shall exceed ten per centum on the subscribed capital, and that thirty days' notice of each call shall be given in such manner as the Directors shall think fit.

21. It shall be lawful for the said Company to make running arrangements with the Northern Railway of Canada upon terms to be approved by the majority of the shareholders at a special meeting to be held for that purpose, called in accordance with the by-laws of the company, of which meeting thirty days notice shall be given.

Agreement
with North-
ern Railway.

22. It shall also be lawful for the said Company to enter into any agreement with the Northern Railway of Canada for leasing the said South Simcoe Junction Railway, or any part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with such other Company touching the use by one or the other or by both Companies of the railway or moveable property of either, or of both, or any part thereof or touching any service to be rendered by the one Company to the other, and the compensation therefor, and every such agreement shall be valid and binding and shall be enforced by courts of law according to the terms and tenor thereof; Provided that the assent of at least two-thirds of the shareholders and bondholders shall be necessary to authorize the same; the assent of the bondholders to be signified in writing; when not entitled to vote under section sixteen of this Act; the assent of the shareholders to be obtained at a special general meeting to be called for the purpose, as provided in the last preceding section; and any Company or individual accepting and executing such lease shall be and hereby is empowered to exercise all the rights and privileges in this charter conferred.

Powers as to
leasing.

23. Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the Schedule hereunder written or to the like effect; and such conveyances shall be registered by duplicate thereof in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificate indorsed on the duplicate thereof.

Form of Con-
veyances and
their registra-
tion.

24. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, or for opening a street to any station from an existing highway, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or parts thereof, from

Acquisition of
lands.

Simcoe, Peterborough, or Ontario or the district of Muskoka, with power of extension from any point on such line to the River Ottawa would be of general benefit to the Province of Ontario; And whereas a petition has been presented for the Incorporation of a Company for that purpose, and it is expedient to grant the prayer of such Petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Honourable William McMaster, Henry S. Howland, J. M. Williams, M.P.P., Thomas Deacon, M.P.P., the Honourable Frank Smith, Noah Barnhart, William H. Howland, F. W. Cumberland, M.P., William F. McMaster, John Turner, John Moat, John McLeod, M. P. P., Humphrey Lloyd Hime, William McGivern, J. D. Edgar, Geo. A. Kirkpatrick, M.P., John Carruthers, A. T. H. Williams, M.P.P., A. Hugel, J. D. Armour, the Honourable Billa Flint, the Honourable James Skead, Edward McGillivry, Thomas Kelso, and William Alexander, together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be, and are hereby constituted, a body corporate and politic by and under the name of "The Pacific Junction Railway Company of Canada."

Incorporation.

Corporate name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth, and sixth clauses thereof, and also the several clauses thereof and amendments with respect to "interpretation," "incorporation," "powers," "plans and surveys," "land and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said Company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

3. The said Company shall have full power and authority to lay out, construct, and complete, a double or single iron or steel railway, of such width of gauge as the Company may think fit, from the Sault Ste. Marie, in the District of Algoma, to connect with the railway system of Ontario in the Counties of Victoria, Simcoe, Peterborough, or Ontario or the District of Muskoka, with power of extension from any point on the said line to the River Ottawa, and with full authority to pass over any of the country between the points aforesaid, and to carry the said railway

Location of line of railway

railway through the Crown Lands lying between the points aforesaid.

Acquisition of
lands.

4. Notwithstanding anything contained in the Railway Act of the Consolidated Statutes of Canada, the said Company may acquire land and water lot property at the Sault Ste. Marie not exceeding fifty acres, and may acquire under the provisions in that behalf of the said Railway Act, and hold, such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snow-drift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such lands, as also the powers of the said company, to take possession thereof, shall in case of difference, be ascertained and exercised in the manner provided by the clause of the said Railway Act respecting lands and their valuation.

Provisional
directors,

Their powers.

5. The persons named in the first section of this Act, with power to add to their number, shall be, and are hereby constituted Provisional Directors of the said Company, of whom nine shall be a quorum, and shall hold office as such until the first election of Directors under this Act; and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to receive payment on account of stock subscribed; and make calls upon subscribers in respect of their stock; and to sue for and recover the same; and to cause plans and surveys to be made; and to acquire any plans and surveys now existing; and to deposit, in any chartered bank of Canada, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the Company any grant, loan, bonus, or gift made to it, in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the Railway, and with all such other powers as under the Railway Act are vested in ordinary Directors.

Capital stock.

Application of
money raised
on the stock.

6. The Capital Stock of the said Company shall be three million dollars (with power to increase the same in manner provided by the Railway Act), to be divided into shares of one hundred dollars each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said Railway and other purposes of this Act.

Ten per cent.
to be paid on
stock.

7. No subscription for stock in the capital of the Company shall be binding on the Company unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

8. The said Company may receive either from any Government Aid to railway, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment, and maintenance of the said railway, bonuses, loans, or gifts of money, or securities for money.

9. When and so soon as shares to the amount of three hundred thousand dollars in the Capital Stock of the Company have been subscribed, and ten per centum thereon has been paid, the Provisional Directors shall call a general meeting of the subscribers to the said Capital Stock at the City of Toronto for the purpose of electing Directors of the said Company, giving at least four weeks' notice by public advertisement, as provided by the twelfth section, of the time, place and purpose of said meeting. Election of Directors.

10. At such general meeting the subscribers for the Capital Stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be Directors of the said Company [of whom five shall be a quorum], and may also pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and the General Railway Act of Canada. Powers of subscribers at annual meeting.

11. No person shall be qualified to be elected as such Director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the Company, and unless he has paid up all calls thereon. Qualification of directors.

12. Thereafter the General Annual Meeting of the Shareholders of the said Company shall be held at such place in the City of Toronto, and on such days and at such hours as may be directed by the By-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette*, and in one or more newspapers published at Toronto. Annual meeting.

13. Special General Meetings of the Shareholders of the said Company may be held at such places in the City of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the By-laws of the Company. Special general meetings.

14. The Directors of the said Company are hereby authorized to issue bonds under the seal of the said Company, signed by its president or other presiding officer, and countersigned by its secretary; and such bonds may be made payable in such money or moneys, at such times, in such manner, and at such place or places in this Province or elsewhere, and bearing such rate of interest as the Directors shall think proper; and the Directors shall have power to issue and sell, or pledge all or any of the said bonds, at such price and upon such terms and conditions. Issue of bonds or debentures.

ditions as they may think fit, for the purpose of raising money for prosecuting the said undertaking; Provided that the amount of such bonds shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed; Provided that no such bonds shall be issued until at least five hundred thousand dollars shall have been subscribed to the capital stock, and ten per centum paid thereon.

Bonds to be first preferential claim on company.

15. The bonds hereby authorized to be issued, shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the said company, and the undertaking, tolls, and income, and real and personal property thereof, now or at any time hereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata*, with all the other bond-holders.

Rights of bondholders when principal or interest are in arrear.

16. If the said company shall make default in paying the principal or interest of any of the bonds hereby authorized, at the time when the same shall, by the terms of the bond become due and payable, then at the next ensuing general annual meeting of the said company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall in respect thereof, have and possess the same rights and privileges and qualifications for directors, as would be attached to them as shareholders, if they had held fully paid up shares of the said company to a corresponding amount: Provided nevertheless, that the right given by this section shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights, shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the said company; and for that purpose the company shall be bound on demand to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof, in the same manner as a transfer of shares; Provided also, that the exercise of the rights given by this section, shall not take away, limit, or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Proviso.

Proviso.

Form and registration of securities.

17. All the bonds, debentures, mortgages, and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall in that case be transferable by delivery; and any holder of any such bonds, debentures, mortgages, or coupons so made payable to bearer, may sue at law thereon in his own name, unless and until registry thereof, in manner provided in the preceding section; and while so registered, they shall be transferable by written transfer, registered in the same manner as in the case of shares, but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the company shall

shall be bound to register on the demand of the registered holder for the time being.

18. All shareholders in the said Company, whether British subjects or aliens, or residents of Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office as Directors in the said Company. Rights of aliens.

19. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such note or bill made, accepted, or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors shall be binding on the said Company; and any such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President or Secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein enacted; provided however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Powers of Company as to negotiable instruments.

20. The Directors may at any time call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days' notice of each call shall be given in accordance with the by-law of the company and this Act. Calls upon shareholders.

21. The said Company shall have power to make running arrangements with any railway lines in the Province of Ontario, situate on the line hereby authorized to be constructed, or crossing or connecting with the same, upon terms to be approved by two-thirds of the shareholders at a special general meeting to be held for that purpose in accordance with this Act. Running arrangements with other railways.

22. It shall be lawful for the said Company to enter into any agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith, for leasing the said Pacific Junction Railway of Canada, or any part thereof, or the use thereof, at any time or times, or for leasing or hiring from such other company any railway, or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders, plant, rolling stock or other property of Agreements for leasing the railway.
of

either or of both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding, and shall be enforced by Courts of Law according to the terms and tenor thereof, and any company or individual accepting and executing such lease shall be, and is hereby, empowered to exercise all the rights and privileges in this charter conferred.

Conveyances
to railway.

Registration
thereof.

23. Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the Schedule hereunder written, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

Acquisition of
lands.

24. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railways, or for opening a street to any station from an existing highway, the said company may purchase, hold, use, or enjoy such lands, and also the right of way thereto if the same be separated from their railways, and may sell and convey the same, or parts thereof, from time to time, as they may deem expedient; and may also make use of, for the purposes of the said railways, the water of any stream or water-course over or near which the said railway passes, doing however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course; and the compensation to be paid to the owners for such lands, or the use of such water, as also the powers of the said company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the clause of the Railway Act of the Consolidated Statutes of Canada, respecting "lands and their valuation."

Use of streams

Commence-
ment and com-
pletion of rail-
way.

25. The Railway shall be commenced within two years, and completed within five years after the passing of this Act, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

SCHEDULE.

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration

consideration of _____ dollars paid to me (*or as the case may be*) by the Pacific Junction Railway Company of Canada, the receipt whereof is hereby acknowledged, do grant, and I the said _____ do grant and release, (*or*) do bar my dower in (*as the case may be*) all that certain parcel, (*or*) those certain parcels (*as the case may be*), of land, situate (*describe the land*), the same having been selected by the said company for the purposes of this railway to hold with the appurtenances thereof unto the said The Pacific Junction Railway Company of Canada, their successors and assigns.

As witness my hand and seal, (*or* our hands and seals), this
 day of _____ one thousand eight hundred
 and _____

Signed, sealed and delivered }
 in the presence of }

[L.S.]

CAP. XLVI.

An Act to amend the several Acts relating to the
 Toronto, Grey and Bruce Railway Company.

[Assented to 2nd March, 1872.]

WHEREAS the Toronto, Grey and Bruce Railway Com- Preamble.
 pany have prayed for certain amendments to the Act
 passed in the thirty-first year of Her Majesty's reign, chaptered
 forty, intituled "An Act to Incorporate the Toronto, Grey and
 Bruce Railway Company," and the Act passed in the thirty-
 second year of Her Majesty's reign, chaptered eighty-two, and
 the Act passed in the thirty-third year of Her Majesty's reign,
 chaptered forty-one, and for an extension of the powers conferred
 upon them thereby; And whereas certain municipalities within
 the County of Huron have granted, or are now about to grant,
 bonuses in aid of the said Company; And whereas the said
 Company have obtained, under an agreement entered into with
 the Grand Trunk Railway Company of Canada, running powers
 over a certain portion of the Grand Trunk Railway, and are in
 occupation under a lease from the said Grand Trunk Railway
 Company of lands and buildings for their station grounds and
 workshops adjoining the Queen's Wharf, in the City of Toronto,
 and are in the occupation under a lease from the Harbour Com-
 missioners of the Toronto Harbour of the said Queen's Wharf;
 And whereas the said Company are desirous of obtaining direct
 access to the said station ground and workshops and Queen's
 Wharf from the main line of their Railway, or the main line of
 the Grand Trunk Railway, running over the esplanade in the
 City of Toronto;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

31 V., c. 40, ss
10 & 11
amended.

1. If the said Company do build any part of their Railway in or through the County of Huron, and any bonus in aid of the said Railway be granted by any municipality in said county, then all appointments of trustees hereafter to be made by wardens of the counties, in pursuance of sections ten and eleven of the said Act, passed in the thirty-first year of the reign of Her Majesty Queen Victoria, and chaptered forty, shall be made by the wardens of the several counties therein named and the warden of the County of Huron; and the said sections, ten and eleven, are hereby amended accordingly.

Appointment
of new
Trustees.

2. In case any trustee, now or hereafter appointed, in pursuance of the said Act or any amendment thereof, die, resign, become incapable of acting or refuse to act, or reside out of Ontario, his trusteeship shall be vacant, and a new trustee shall be appointed in his place in the same manner as the original trustee was appointed.

Powers as to
lands on To-
ronto Espla-
nade.

3. Notwithstanding any Act or law in force to the contrary (and notwithstanding the title of the Crown or of any corporation, company or individual) the said the Toronto, Grey and Bruce Railway Company shall have power to lay and maintain a track of such gauge or gauges as they shall require to connect the track or main line of their said railway, or the main line of the Grand Trunk Railway running over or along the said esplanade with the said station grounds and workshops and Queen's Wharf through the lands now in the occupation of the Northern Railway Company and the Great Western Railway Company, lying between the said main line of the Grand Trunk Railway and the said station grounds and workshops and Queen's Wharf; Provided that such tracks be laid so that no alteration of the present level of the tracks of the Northern Railway and Great Western Railway, or either of them, shall be occasioned thereby; and provided that the said Toronto, Grey and Bruce Railway Company do pay such annual rental as may be agreed upon to the said Northern Railway Company and Great Western Railway Company respectively, for the land to be taken from each of said companies, or the Crown, or corporation or individual entitled to any other lands, as the case may be, which may be taken by them for such track and the value of any buildings or erections, or the cost of moving the same belonging to them respectively which may be necessarily removed in order to lay the said track; and in case the amount so to be paid cannot be agreed upon, the same shall be ascertained by arbitration in the same manner as is provided by the Railway Act, chaptered sixty-six of the Consolidated Statutes of Canada, with regard to lands to be taken, or powers to be exercised, by railway companies.

Proviso.

4. Provided that such track or tracks be laid in accordance with the strong red line on the plan deposited herewith in the Private Bill Office of the House of Assembly or within any other increased limits which may be agreed upon between the said Toronto, Grey and Bruce Railway Company and the several railway companies interested in the land to be occupied.

Limit within which tracks may be laid.

5. All annual and special general meetings of the shareholders of the said Toronto, Grey and Bruce Railway Company shall be deemed to be sufficiently and regularly called by the publication of notice thereof during the thirty days previous to the day appointed for any such meeting at least four times in the *Ontario Gazette*, and at least four times in one daily newspaper published in the City of Toronto; and sections nineteen and twenty of the said Act passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered forty, are hereby amended accordingly.

Notice of Annual and Special meetings.

CAP. XLVII.

An Act to amend the Act passed in the thirty-fourth year of Her present Majesty's reign, chaptered thirty-eight, and intituled "An Act to incorporate the Credit Valley Railway Company," and to extend the powers conferred upon the said Company.

[Assented to 2nd March, 1872.]

WHEREAS the said company have petitioned that an Act may be passed to amend the said Act, and to extend the powers conferred on the said company, and to empower the said company to extend their line from a point on the line of their Railway, at or in the vicinity of Bellefountain to Fergus, Elora and Salem, and for other purposes; and whereas it is expedient so to grant;

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said company shall have power to extend their Railway from a point on the line thereof, at or near Bellefountain to Fergus, Elora, and Salem, or a point in the vicinity of either.

Power to extend railway.

2. Section three of the said Act is hereby amended by inserting the words "or in or near the village of Alton," immediately after the words "village of Orangeville," and preceding the words "with power."

34 Vic., cap. 38, s. 3 amended

3. It shall be lawful for any municipality, through which the said

Power to lay said

rails along
highways.

said Railway passes, to pass a by-law or by-laws empowering the said company to lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or control of any joint stock road company, and if such be either in the possession or control of any joint stock or other road company, then with the assent of such company.

Repair of
roads.

4. And it shall be lawful for the said company to enter into and perform any such agreements, as they may from time to time deem expedient, with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to said railroad; and all agreements hereinbefore made in this behalf are declared to be valid and binding on the company.

Construction
of 34 Vic., c.
38, s. 19, as to
bonuses
granted by
Municipalities

5. And whereas doubts have arisen as to the meaning of section nineteen of the said Act, passed in the thirty-fourth year of the reign of Her Majesty, Queen Victoria, and chaptered thirty-eight, and it is expedient to explain the same; now, therefore, it is hereby enacted and declared that it was and is the intent and meaning of the said Act, that aid and assistance, by the loaning or guaranteeing, or giving of money by way of bonus or other means, or the issuing of municipal bonds for the purposes and in the manner set out in the said Act, may and might be given to the said company by any portion of a county municipality, whether the metes and bounds of such portion of a county municipality as set forth in the by-law for granting such aid, be the metes and bounds of townships, or be so defined as to comprise a township or townships, and portions of townships, or only portions of townships; and in case of a portion of a township municipality granting such aid, then that the debentures to be issued should and shall be those of such township municipality; and in case of portions of a county municipality as aforesaid, that such debentures should and shall be those of the county municipality; and that the proper council may under the said section of their own motion, and without any previous petition therefor, submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality, or portion of the municipality, to be affected thereby; Provided that the by-law of the county council of Halton granting a bonus of seventy-five thousand dollars to the said company, submitted to, voted upon, and approved by the Township of Nassagaweya, and portions of the Township of Nelson, Esquesing and Trafalgar shall be legal and valid.

Municipalities
to submit by-
laws for aid
on being
petitioned.

6. In case fifty persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said Railway by giving a bonus to the said company, and stating the

the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law, and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least fifty of the persons, who are qualified voters as aforesaid in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said Railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any county municipality, upon the petition of at least fifty persons who are qualified voters in each such county municipality, and in case aid is desired from any portion of a county municipality, upon the petition of at least twenty persons, qualified voters from each minor municipality, or the portion thereof to be affected by the by-law, as the case may be, or upon the petition of the majority of the Reeves and Deputy Reeves of such county municipality as reside in the said portion from which aid is desired; and in the case of a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality forming the portion of the county municipality that may be asked to grant aid, and in either case, in such petition expressing the desire of the said petitioners to aid in the construction of the said Railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the vote of the qualified voters of the county, or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion; and upon any such petition being presented to the Warden or other head of any county, or the Reeve, Mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality to be held within four weeks thereafter, for the purpose of introducing such by-law and submitting the same to the vote of the qualified voters; and the twentieth section of the said Act, chapter thirty-eight, is to be read as modified by the foregoing provisions of this Act.

31 V., c. 38, s.
20 amended.

7. It shall be lawful for the said company to issue bonds, in pursuance of the provisions of section thirty-six of the said Act, to any amount, provided that such amount shall not exceed the

Issue of bonds.

Sec. 36 amend-
ed.

sum of nine thousand dollars per mile of railway, or the amount of five dollars for every four dollars of municipal and other bonuses, and paid up share capital actually expended in the manner set out in the said section; and the said section is hereby amended accordingly.

Sec. 41 amend-
ed.

Regulations as
to cordwood.

8. The forty-first section of the said Act is hereby repealed, and in lieu thereof the following is hereby enacted: The said Railway company shall at all times receive and carry cordwood, or any wood or fuel, at a rate not to exceed for dry wood two and a half cents per mile per cord from all stations exceeding fifty miles, and at a rate not exceeding three cents per cord per mile from all stations under fifty miles, in full car loads, and for green wood at the rate of two and a half cents per ton per mile; the company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said Railway, and shall provide as much ground for the storage and piling of cordwood, free of charge, at every station, excepting Toronto, as shall be deemed by the council of the Board of Trade of Toronto, sufficient for the trade in cordwood from each respective station.

Secs. 32, 33,
34, amended.

9. The thirty-second, thirty-third and thirty-fourth sections of the said Act are hereby repealed, and in lieu thereof it is hereby enacted as follows:—

Certain
bonuses to be
expended in
certain local-
ities.

(32.) That if the municipalities or any of them lying northwards of Streetsville, decline to grant the required bonuses or bonus, and the municipalities to the west of Streetsville grant the bonuses or bonus, it shall be lawful for the trustees (if the said company require them to do so), to expend all the bonuses granted or to be granted by municipalities from and including Toronto, to the Brock road upon the line of the said Railway from Toronto to the Brock road; and all bonuses granted by municipalities lying west of the Brock road, shall be expended upon the portion of the line from the village of Campbellville, or the Brock road to Galt.

certain
bonuses to be
expended in
certain local-
ities.

(33.) That if the municipalities or any of them lying west of Streetsville, decline to grant the required bonuses or bonus, and, (firstly) if the required bonuses be granted by municipalities northward of Streetsville, it shall be lawful for the trustees (if the said company require them to do so), to expend all the bonuses granted or to be granted by municipalities, from and including Toronto, to and including Streetsville, and from thence to and including Alton and Orangeville, and Fergus, Elora and Salem, upon the lines from Toronto to Alton or Orangeville, and from Bellefountain to Fergus, Elora, or Salem; or (secondly), if the municipalities or any of them west of Bellefountain decline to grant the required bonuses or bonus, then it shall be lawful for the trustees (if the said company require them

them to do so), to expend all the bonuses granted or to be granted by municipalities, from and including Toronto, to and including Alton and Orangeville, between Toronto and Alton or Orangeville.

(34.) That if the municipalities lying west of the Brock road, decline to grant the required bonus or bonuses, and the required bonus or bonuses be granted by municipalities between Streetsville and the Brock road, and (firstly), the required bonuses be granted by municipalities west of Bellefountain, it shall be lawful for the said trustees (if the said company require them to do so), to expend all the bonuses granted or to be granted by municipalities, from and including Toronto, to the Brock road, and adjoining the Brock road, and from Streetsville to Alton and Orangeville, and from Bellefountain to Fergus, Elora and Salem, upon the lines from Toronto to the Brock road, from Streetsville to Alton or Orangeville, and from Bellefountain to Fergus, Elora, or Salem; and (secondly), if the municipalities or any of them west of Bellefountain, decline to grant the required bonuses or bonus, then it shall be lawful for the trustees (if the said company require them to do so), to expend all the bonuses granted or to be granted by municipalities, from and including Toronto to the Brock road, and adjoining the Brock road, and from Streetsville to Alton and Orangeville, upon the lines from Toronto to the Brock road, and Streetsville to Alton or Orangeville.

Certain bonuses to be expended in certain localities.

10. In case bonuses are granted as required on both lines, and on the extension to Elora and Fergus or Salem, then it shall and may be lawful for the trustees to apply the bonuses pro rata over both lines, and to Fergus, Elora or Salem.

Applications of bonuses if granted on both lines.

CAP. XLVIII.

An Act to confer further Corporate Powers on the Canada Southern Railway Company.

[Assented to 2nd March, 1872.]

WHEREAS The Canada Southern Railway Company is engaged in the construction of its lines of railway, under the Statute of this Province passed in the thirty-first year of Her Majesty's reign, intituled "An Act for the incorporation of the Erie and Niagara Extension Railway Company," and the Statute passed in the thirty-third year of Her Majesty's reign, intituled "An Act to amend the Act incorporating the Erie and Niagara Extension Railway Company, and to change the name to the Canada Southern Railway Company," and hath petitioned for further corporate powers;

Preamble.

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Power to construct branch-
es.

Railway Act
to apply.

Municipal cor-
porations em-
powered to ex-
tend time as
to works.

Directors may
appoint agents
in London and
New York.

1. The said company may construct a branch from any point on its line of railway in the township of Enniskillen to some point on the St. Clair River, in the Township of Sarnia ; also a branch from its line of railway in the county of Kent to the Town of Chatham, and the several clauses of the Act chaptered sixty-six of the Consolidated Statutes of the former Province of Canada, intituled "An Act respecting Railways," which by the second section of the Erie and Niagara Extension Railway Act of 1868, are incorporated with that Act, and all and every the powers conferred by said last mentioned Act and the said recited Act amending the same, shall be taken, held and construed to apply to any branch line hereby authorized to be constructed, as fully and effectually as if such branch line had been specially authorized in and by the said last mentioned Acts ; Provided that the construction of such branches shall be commenced within one year and completed within four years, otherwise the powers conferred by this section shall become void as to any such branch not commenced and completed within the respective times aforesaid.

2. The corporation of any municipality which has aided and assisted, or may aid or assist the said company, may, upon the application of the company, grant such extension of time as said municipal corporation may think fit for the performance or fulfilment by the company of any works stipulated for in respect of such aid or assistance.

3. The directors of the company may, subject to the rules and regulations, from time to time, of the board, appoint an agent in the city of London, England, and also an agent in the city of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates ; and thereupon shares may be transferred from the Canada office to the London or New York offices, in the names of the transferees in the same manner as shares may be transferred in the former office, and *vice versa* ; and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States may be respectively entered upon the books at the London, or at the New York office, and scrip certificates be issued for them, and the agent or agents or other officer or officers shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the Register kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders, as though the scrip certificates

certificates had been issued by the secretary of the company in this Province.

4. Shares in the capital stock of the company may be transferred by any form of instrument in writing; but no transfer shall become effectual unless the stock or scrip certificates issued in respect of the shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Provisions as to transferring stock.

5. Whenever any transfer shall be made in England or the United States of any share of stock of the company, the delivery of the transfer and stock or scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the share of stocks so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register, and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends as they may find expedient: and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or modified by this Act shall be valid and binding.

Provisions as to transferring stock.

6. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same and to be eligible for office in the said company; and directors may at any meeting of the Board vote by proxy, provided at least four directors are personally present at such meetings.

British subjects and aliens to have equal rights.

Directors may vote by proxy.

7. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply

Power to take gravel pits.

apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to lay
sidings and
tracks to gravel
pits.

8. When said gravel, stone or other materials shall be taken, under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the Special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Power to make
traffic and
other arrange-
ments with
other compan-
ies.

9. The company may make arrangements for the conveyance or transit of traffic with any other railway company or companies, or with the International or any other railroad, bridge, or tunnel company, and may enter into an agreement with such other company or companies with respect to the terms of such traffic arrangements, or with respect to all or any of the matters following, viz: The maintenance and management of the works of the companies respectively or of any one or more of them or of any part thereof respectively; the use and working of the railway or bridge or of any part thereof respectively and the conveyance of traffic thereon; the fixing, collecting, and apportionment of the tolls, rates, charges, receipts and revenues levied, taken or arising in respect of traffic; and the joint or separate ownership, maintenance, management, and use of a station or other work or any part thereof respectively.

Power to ac-
quire land for
warehouses,
etc.,

and steam and
other vessels.

10. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to acquire and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic.

Power to lease

11. The said company may acquire by purchase or lease the

the Erie and Niagara Railway and the London and Port Stanley Railway, or either of them, or any of their lands or other property, and upon such acquisition may exercise all and every the rights, franchises and privileges conferred by the Acts of Incorporation relating to the said companies, so far as relates to any matter or thing to be done or proposed within the Province of Ontario: and the said company may also further guarantee for the loan of its credit to or become guarantors for, or may subscribe to or become the owner of stock in any railroad bridge or tunnel company with which its line may be in connection in the like manner and with the like rights as individuals.

or purchase
other railways,
and to lend
credit to or
take stock in
other companies.

CAP. XLIX.

An Act respecting the London, Huron and Bruce Railway Company.

[Assented to 2nd March, 1872.]

WHEREAS the London, Huron and Bruce Railway Company have, by their petition, prayed for an extension of the time fixed by the Act incorporating said company for the commencement and completion of the said railway; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the thirty-seventh section of the Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, and chaptered forty-two, be, and the same is hereby repealed and the following substituted in lieu thereof: "The said railway shall be commenced within two years and completed within six years after the passing of this Act or else the charter shall be forfeited," and the said Act shall be construed as though this substitution were in the said Act originally.

34 V., c. 42, s.
37, amended.
Time for commencement
and completion
of railway.

CAP. L.

An Act to legalize a By-law passed by the Corporation of the City of London in favour of the London, Huron and Bruce Railway Company.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the Corporation of the City of London on the twenty-eighth day of June, one thousand eight hundred and seventy-one, passed a By-law, having first submitted the same to the electors of said municipality for their sanction, intituled, "By-law to aid and assist the London, Huron and Bruce Railway Company by giving one hundred thousand dollars to the said Company by way of bonus and to issue debentures therefor and to authorize the levying of a special rate for the payment of the said debentures and interest," granting to the London, Huron and Bruce Railway Company a bonus of one hundred thousand dollars; and the said corporation have petitioned to have the said By-law legalized and to be authorized to issue debentures thereunder;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-law of City of London in aid of L. H. & B. R. Co. confirmed.

1. The By-law of the corporation of the City of London passed on the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and seventy-one, intituled, "By-law to aid and assist the London, Huron and Bruce Railway Company by giving one hundred thousand dollars to the said Company by way of bonus and to issue debentures therefor and to authorize the levying of a special rate for the payment of the said debentures and interest" is hereby legalized and confirmed and declared valid; and the said corporation is hereby authorized to issue debentures under and according to the provisions of the said By-law, and the same shall be valid and binding upon said municipality; Provided always, that nothing in this Act contained shall in any wise affect any existing claim by the late Province of Canada or by the Government of Ontario against the said City of London arising out of any debt contracted by said corporation under the Consolidated Municipal Loan Fund Act.

Proviso.

This Act not to affect condition of bonus.

2. Nothing in this Act contained shall in any wise affect any condition or agreement upon or subject to which the bonus or any part thereof, mentioned in said by-law, is to be given to the said London Huron and Bruce Railway Company.

CAP. LI.

An Act to revive and amend the Act incorporating the Stratford and Huron Railway Company.

[Assented to 2nd March, 1872.]

WHEREAS the Stratford and Huron Railway Company in- Preamble
 corporated by the Act passed by the Parliament of the
 late Province of Canada in the eighteenth year of Her Majesty's
 reign and chaptered one hundred and eighty-four, and amended
 by an Act passed by the Parliament of the late Province of Can-
 ada in the session held in the nineteenth and twentieth years
 of Her Majesty's reign and chaptered twenty-six, and further
 amended by an Act passed by the Parliament of the late Pro-
 vince of Canada in the twenty-eighth year of Her Majesty's
 reign and chaptered eighty-eight, and the municipal Corpora-
 tion of the Town of Stratford, and James Kyle, James Redford
 and others, provisional directors of the said railway company,
 under and by virtue of the said Acts, have, by their petition,
 prayed for the repeal of section six of the said last mentioned Act
 and for authority to agree or contract with other railway com-
 panies for the construction, equipment and maintenance of the
 petitioners' line of railway or a part thereof, and for permission to
 place upon their said line of railway a gauge of three feet six
 inches in addition to the present broad gauge, which, by the said
 Acts they are authorized to construct, and for a change in the
 names of some of the provisional directors of the said company,
 and have further, by said petition, prayed that the periods limited
 for the first election of directors and for the completion of the
 railway may be extended; and whereas it is expedient to grant
 their prayer;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario enacts
 as follows :—

1. For and notwithstanding anything in the Acts above mentioned the first general meeting of the stockholders of the said company for the election of directors may be held on the first day of December, in the year of our Lord one thousand eight hundred and seventy-two; and the directors elected thereat shall remain in office until the first Wednesday in January, in the year of our Lord one thousand eight hundred and seventy-four, or until the next annual general meeting of the stockholders for the election of directors after the said first day of December, in the year of our Lord one thousand eight hundred and seventy-two; and the periods limited by the said Acts are hereby extended so that the said railway must be commenced within two years, and completed within seven years from the passing of this Act; Provided that the powers and privileges conferred by this Act shall be in full

Period for first
 election of di-
 rectors and
 commence-
 ment and com-
 pletion of
 railway ex-
 tended.

force as regards such portions of the railway as may be completed within the time here limited.

27 and 28 V.
c. 88., s. 6, re-
pealed.

2. Section six of the Act passed in the session of the Parliament of the late Province of Canada, held in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, and chaptered eighty-eight, is hereby repealed.

Names of cer-
tain provision-
al directors
expunged.

3. The first and third sections of the Act first above mentioned are amended by expunging therefrom the names William Frederick McCulloch, William Fraser, Joseph Whaley, Richard Berford, George Cromar, William Smith, Joseph Walker, Alexander McNab, Alexander McGregor, Robert Hendry and Joseph Whaley; and the second section of the Act passed in the twenty-eighth year of the reign of Her Majesty Queen Victoria, chaptered eighty-eight, is amended by expunging therefrom the names Edward Robert Sullivan, William James Imlach, Samuel Lloyd Robarts, James Brocklebank, John Gillies, Thomas Gibson and Thomas Adair.

Company may
enter into
agreements
with other
railway com-
panies.

4. It shall be lawful for the said company to enter into any agreement with any railway company for the construction, equipment and maintenance of the said railway or any parts thereof.

Power to make
additional
gauge.

5. It shall be lawful for the said company to lay and place upon their line of railway a gauge of three feet six inches either alone or in addition to the gauge authorized by the first above mentioned Act or otherwise as the directors may determine upon, and may, for the purposes hereby authorized, lay a third or more rails.

CAP. LII.

An Act to revive and amend the Act incorporating the Norfolk Railway Company.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS by an Act passed in the thirty-second year of Her Majesty's reign, chaptered fifty-eight, incorporating "The Norfolk Railway Company," it is provided that the provisions of the said Act should be null and void unless the construction of the railway thereby authorized to be built should be commenced within two years and completed within five years after the passing of the said Act; And whereas, the said company has represented by its petition that since the passing of the said Act, the Great Western Railway Company has constructed and is now working a railway from its main line at Harrisburgh

Harrisburgh to Brantford, and thereby occupying a portion of the line of railway contemplated to be constructed under the said Act, and that under the said Act a thorough survey of the residue of the line intended to be constructed under the said Act, extending from Brantford through Simcoe to Port Dover on Lake Erie has been made at considerable expense, but no work on the ground in construction has been actually done; and that the said company have good grounds for believing that within a few months sufficient capital will be obtained by bonuses from municipalities and other sources to construct the residue of the said line of railway from Brantford to Lake Erie, thereby forming a continuous line of railway from Southampton and Kincardine on Lake Huron to the shores of Lake Erie; and praying that the said Act may be revived and amended and the time for the commencement and completion of the said railway may be respectively extended for two years and five years from the day of the passing of this Act; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed by the Legislature of Ontario, in the thirty-second year of the reign of Her Majesty, Queen Victoria, and chaptered fifty-eight, intituled "An Act to incorporate the Norfolk Railway Company," is hereby revived and declared to be in full force and effect; and the time therein limited for the commencement and completion of the railway thereby authorized to be constructed from Brantford to Lake Erie is hereby respectively extended for the period of two years and five years from the passing of this Act.

32 V., c. 58
revived.

Time for commencement and completion of railway extended.

2. In case twenty-five persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said Railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law, and submit the same to the vote of the qualified voters; and in case aid is desired from any portion of a township municipality, if at least twenty-five of the persons, who are qualified voters as aforesaid in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said Railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality

Municipalities to submit by-laws for aid on being petitioned.

municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the approval of the qualified voters of the said portion of such municipality; and in case aid is desired from any county municipality, or any portions of a county municipality, upon the petition of at least fifty persons, who are qualified voters as aforesaid within such county municipality, or portions of the county, as the case may be, or upon the petition of the majority of the Reeves and Deputy Reeves of such county municipality as reside in the said portion from which aid is desired; and in the case of a portion of a county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality forming the portion of the county municipality that may be asked to grant aid, and in either case, in such petition expressing the desire of the said petitioners to aid in the construction of the said Railway by granting a bonus to the said company, and stating the amount which they desire to grant and be assessed for, the council of such county municipality shall, within six weeks after the receipt of such petition, introduce the requisite by-law, and submit the same to the vote of the qualified voters of the county, or of the portion of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion; and upon any such petition being presented to the Warden or other head of any county, or the Reeve, Mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality to be held within four weeks thereafter, for the purpose of introducing such by-law and submitting the same to the vote of the qualified voters, in the manner required by the Municipal Act:

for issuing debentures for bonuses.

(1). For raising the amount so petitioned for by such freeholders, or such reeves and deputy reeves, in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, and for the delivery to the said trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition;

to impose a rate for repayment.

(2). For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund, for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly; which debentures the municipal councils, and the wardens, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Municipal and recited Acts to apply to bonuses and by-laws.

3. The provisions of the Municipal Acts, and of the said recited Act, passed in the thirty-second year of the reign of Her Majesty Queen Victoria, and chaptered fifty-eight, as to the

the bonuses granted by any municipality, and the by-laws for granting the same, shall apply to any bonus so granted, or by-law so passed by or for a portion of a municipality.

4. Any county in which are situated a township or townships that have granted or hereafter may grant a bonus or bonuses in aid of the said railway company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the trustees under said Railway Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

County Council may exchange County Debentures for those issued by Townships.

5. It shall be lawful for the said company under the powers and provisions of this Act, and of said Act passed in the thirty-second year of the reign of Her Majesty Queen Victoria, and chaptered fifty-eight, to construct a branch line of railway from any point on the line of railway contemplated by the last mentioned Act to or near Port Rowan on Lake Erie.

Branch line to Port Rowan.

6. It shall be lawful for the said company to lease its railway and works to any other railway upon such terms as may be agreed upon between the said company and any other railway company, and approved of by a vote of the majority of the shareholders of the said Norfolk Railway Company at any general or special meeting duly convened for that purpose, according to the by-laws of the company.

Amalgamation with other railways.

CAP. LIII.

An Act to incorporate the Port Dover and Lake Huron Railway Company.

[Assented to 2nd March, 1872.]

WHEREAS it is highly desirable that a railway should be made from some point on the shore of Lake Erie between Port Dover and Port Rowan, or at or near the town of Port Dover, to the town of Woodstock, with power to extend the same to the town of Stratford, and to pass over any of the country between the point of commencement and the said town of Woodstock, and such town and said town of Stratford; and the persons hereinafter mentioned having petitioned to be incorporated for that purpose, it is expedient to grant a charter for the construction of such railway, with power to extend the same;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. William Grey, Thomas J. Clarke, Thomas Scott, James Bullock, James Barker, A. L. Wilcox, Samuel G. Burgess, John Craig, James Lockhart, James McCulloch, Walter Marshall, Samuel S. Fuller, Gilbert Moore, D. S. Butterfield, and Seneca Pitcher, together with such persons and corporations as shall under the provisions of this Act become shareholders in the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Port Dover and Lake Huron Railway Company."

Name.

**Line of Rail-
way author-
ized.** 2. The said company hereby incorporated shall have full power under this Act to construct a double or single railway from any point on the shore of Lake Erie between Port Dover and Port Rowan, or at or near the town of Port Dover, to the town of Woodstock, with power to extend the same to the town of Stratford; and it shall be lawful for the said company to acquire for the purposes of their undertaking the lands and road-bed of the Woodstock and Lake Erie Railway and Harbour Company in the same manner, and on the like terms, and with like powers as far as applicable, as the company may acquire the lands of individuals.

**Power to ac-
quire lands of
Woodstock and
Lake Erie Rail
and Harbour
Co.**

Gauge. 3. The gauge of the railway shall not be less than three feet six inches.

**Certain clauses
of the Railway
Act to apply.** 4. The several clauses of the Railway Act of the Consolidated Statutes of Canada with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," and the Acts in amendment of the said Act, shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

**Interpretation
of the words
"this Act."**

**Capital of the
Company
\$250,000 with
power to in-
crease.** 5. The capital of the company hereby incorporated shall be two hundred and fifty thousand dollars, (with power to increase the same in the manner provided by the Railway Act,) to be divided into two thousand five hundred shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates

mates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township, parish or village, on the line of such works, may pay out of the general funds of such municipality, its fair proportion of such preliminary expenses, which shall hereafter be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

6. From and after the passing of this Act, until the first election of Directors, William Grey, Thomas J. Clarke, Thomas Scott, James Bullock, James Barker, A. L. Wilcox, Samuel G. Burgess, John Craig, James Lockhart, James McCulloch, Walter Marshall, Samuel S. Fuller, Gilbert Moore, D. S. Butterfield and Seneca Pitcher shall be provisional directors, and constitute the board of directors, with power to fill vacancies occurring therein, open stock books, procure subscriptions of stock, and make a call on shares subscribed; and a majority of the said provisional directors shall be a quorum; and the said provisional directors shall have power to exercise all the powers and privileges conferred upon the company and on boards of directors under the Railway Act, until the board of directors hereinafter provided to be elected by the shareholders shall have been elected in accordance with the provisions hereinafter made in that behalf; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of directors.

Provisional
Directors.

7. No subscription of stock in the capital of the said company shall be legal or valid, unless ten per centum shall have been actually and *bona fide* paid thereon within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the said directors; and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such railway, or upon the dissolution of the company from any cause whatever; and the said directors or a majority of them may, in their discretion, exclude any persons from subscribing, who, in their judgment, would hinder, delay, or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said railway.

Ten per cent.
to be paid on
stock.

General meeting, when to be called.

8. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company, other than by municipalities, shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the town of Woodstock, in the county of Oxford (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

General meetings may be called by five subscribers in case of neglect by provisional directors.

9. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than fifteen hundred dollars of the said capital stock, and who have paid up all calls thereon.

Notice of general meeting.

10. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in each of the counties through which the said railway is intended to pass, once in each week, for the space of at least one month; and such meeting shall be held in the town of Woodstock, in the county of Oxford, at such place therein and on such day as may be named by such notice.

Election of directors.

11. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Qualification.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Annual meeting.

13. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place, in the town of Woodstock, and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspapers published in the counties through which the railway runs.

Calls.

14. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital; and notice shall be given of all such calls in manner provided for meetings in section thirteen of this Act.

15. All deeds and conveyances for land required by the said company may be in the form given in schedule "B" annexed ; and all registrars are required to register the same on the production of a duplicate thereof with an affidavit of due execution ; and no registrar shall be entitled to more than fifty cents for registering the same, including all entries and certificates endorsed on the duplicates thereof.

Form of conveyances.

16. And it shall further be lawful for any municipality or municipalities through any part of which or near which the railway or works of the company shall pass or be situated, to aid or assist the said company by loaning or guaranteeing, or giving money by way of bonus to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner and to such extent as such municipalities, or any of them, shall think expedient ; Provided always, that such aid, loan, bonds or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting municipal institutions for the creation of debts ; and all such by-laws so passed shall be valid notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property ; so that the annual rate of assessment shall not in any case exceed for all purposes three cents in the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality, creating such debt.

Municipalities may aid by granting bonuses, &c.

Such aid to be granted by by-law.

17. In case at least fifty of the persons rated on the last assessment roll as freeholders in any portion of a municipality do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor, the council of such municipality shall pass a by-law :

If a portion of the municipality desire to aid, council to pass a by-law.

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality, by the issue of debentures of the municipality, payable within twenty years or earlier, and for the payment to the said company of the amount of the said bonus or donation at the time and on the terms specified in the said petition :

For issuing debentures.

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which municipal councils are hereby authorized to execute and issue in such cases respectively ; Provided the said by-law shall be approved of as

For assessing and levying an annual special rate.

By-law to be as in

approved by
electors.

in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the Municipal Act passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chaptered fifty-one, by the majority of qualified electors voting thereon in the portion of a municipality petitioning as aforesaid.

When a bonus
is granted, the
company may
agree to
expend
such bonus
within the
municipality.

18. Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds, by way of a bonus to aid the making, equipment and completion of said railway, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such aid so given upon works of construction within the limits of the municipality granting the same.

Debentures to
be held by
trustees.

19. Whenever any municipality or portion of a municipality shall grant a bonus, loan, or aid to assist the said company in the making, equipping and completion of the said railway, the debentures therefor, or bonds may, at the option of the said municipality, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the heads of the municipalities granting such bonuses, or the majority of them, who shall attend a meeting for that purpose to be held at such time and place as the said company may appoint for that purpose; notice of which shall be sent to each reeve, mayor or warden of the municipalities respectively, by mail at least fourteen days before the day appointed; all of the trustees to be residents of the Province of Ontario; Provided that if the said Reeves, mayor or warden shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall neglect or refuse to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in council, with the consent of the said company, and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

How trustees
to be appoint-
ed.

Appointment
of new trustees.

Trusts in
which the
debentures are
to be held.

20. The said trustees shall receive the said debentures or bonds in trust; firstly, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in the town of Woodstock, in the name of "The Port Dover and Lake Huron Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "A" hereto, or to the like effect, setting out the portion of the railway to which
the

the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road to be applied on the work so done; and such certificate to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of being deemed guilty of a misdemeanor.

21. The act of any two of such trustees to be as valid and binding as if the three had agreed.

Act of two trustees to be binding.

22. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the property of the company, real and personal, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and an incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: Provided however, the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and fifty thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital, together with the amount of paid up municipal and other bonuses, and of the amount which has been actually expended in surveys and in works of construction upon the line, or for material actually furnished and delivered to the company within the province: And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares: All such bonds and coupons, and interest warrants thereon, may be made payable to bearer, and so made shall be transferable by delivery, and the holder may sue thereon at law in his own name.

Directors may issue bonds,

not to exceed two hundred and fifty thousand dollars.

23. Unless twenty-five thousand dollars, at least, of the said capital stock shall be subscribed, and fifty per centum thereon shall be paid, and the said line of railway be *bona fide* commenced within two years from the passing of this Act, or that the said line

Bonds to be registered.

When work to be commenced and conditions.

line of railway be wholly completed within five years, then this charter and the privileges thereby conferred shall become forfeited; and in the event of noncompliance with the above provisions within the times limited by this Act, then the rights and privileges conferred by this Act shall cease and be void and of none effect.

Company may
make negoti-
able instru-
ments.

24. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note; Provided however, that nothing in this section shall be construed to authorize the said company to issue a note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Company may
purchase lands
and for what
purposes.

25. Whenever it shall become necessary for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining and using the said railway, it shall be necessary to purchase more land than is required for such stations, or gravel pits or other purposes, the said company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, in such manner, and for such purpose connected with the constructing, maintenance or use of the said railway as they may deem expedient, and sell and convey the same, or parts thereof, from time to time as they may deem expedient.

Company may
enter into
agreement
with other
companies for
use of road
&c.

26. It shall be lawful for the said company, with the consent of two-thirds of the shareholders and bond-holders present at a special general meeting called for the purpose, to enter into any agreement with any other railway company in the Province of Ontario, whose line may connect with such road, for leasing the said railway, or any part thereof, or the use thereof, at any time or times, or for any period, to such other company, or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and such other railway company as well as any other corporation may agree upon any terms, as they may mutually consent to, for the

the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals, but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter, or thing to be done, executed, fulfilled, or performed, within the limits of the Province of Ontario, to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred.

27. It shall be further lawful for the corporation of any municipality through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessment to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem from time to time expedient.

Municipalities may exempt property of company from taxation, or make commutation, etc.

28. All reasonable and preliminary expenditure incurred in obtaining this Act, and in the formation or establishing of the said corporation, shall be paid from the funds of the company by a vote of the provisional board of directors.

Preliminary expenditure to be paid from the funds of the Company.

SCHEDULE "A."

CHIEF ENGINEER'S CERTIFICATE.

THE PORT DOVER & LAKE HURON RAILWAY COMPANY'S OFFICE,
ENGINEER'S DEPARTMENT, A. D. 18

No.

Certificate to be attached to cheques drawn on the Port Dover and Lake Huron Railway Municipal Trust Account, and given under section of cap. 35, Vic.

I, _____, Chief Engineer for the Port Dover and Lake Huron Railway Company, do hereby certify, that there has been expended in the construction of mile No. _____, (the said mileage being numbered consecutively from _____,) the sum of _____ dollars to date, and that the total *pro rata* amount due for the same from the said Municipal Trust Account, amounts to the sum of _____ dollars, which said sum of _____ dollars is now due and payable as provided under said Act.

SCHEDULE

SCHEDULE "B."

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of dollars paid to me (*or as the case may be*) by the Port Dover and Lake Huron Railway Company, the receipt whereof is hereby acknowledged, do grant and convey (and I, the said do grant and release, *or* do bar my dower in (*as the case may be*) all that certain parcel, *or* those certain parcels (*as the case may be*) of land situate (*describe the land*), the same having been selected and laid out by the said company, for the purposes of their railway, to hold with the appurtenances unto the said the Port Dover and Lake Huron Railway Company, their successors and assigns.

As witness my (*or our*) hand and seal (*or hands and seals*) this day of one thousand eight hundred and

Signed, sealed and delivered, in the }
presence of }

[L.S.]

CAP. LIV.

An Act to incorporate the Port Burwell and Ingersoll
Railway Company.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the construction of a railway from a point in or near the village of Tilsonburg, and thence to the town of Ingersoll with power to extend the same northerly to the town of St. Marys, and southerly to the village of Port Burwell on Lake Erie, has become desirable for the development of the resources of certain portions of the counties of Elgin and Oxford and for the public benefit and accommodation of the inhabitants thereof:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Thomas Brown, Ebenezer V. Bodwell, Adam Oliver, Luther Beecher, Peter J. Brown, Edwin D. Tilson, James Noxon, Jonathan Jarvis, Gordon H. Cook, John Smith, George Suffel, Alexander McBride and Daniel Freeman, together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic

politic by the name of "The Port Burwell and Ingersoll Railway Company."

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments, with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway and general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railways to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, so incorporated with this Act. Certain clauses of the railway Act applied.

3. The said company shall have full power under this Act to construct a railway from any point in or near the Village of Port Burwell running north to a point in or near the Village of Tilsonburg, and thence to the Town of Ingersoll, with power to extend the same to the Town of St. Marys. Line of railway.

4. The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

5. Conveyances of land to the said company for the purposes of and powers given by this Act made in the form set out in the Schedule "A," hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns of the estate or interest, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than fifty cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof. Conveyances.

6. From and after the passing of this Act the said Thomas Brown, Ebenezer V. Bodwell, Adam Oliver, Luther Beecher, Peter J. Brown, Edwin D. Tilson, James Noxon, Jonathan Jarvis, Gordon H. Cook, John Smith, George Suffel, Alexander McBride, John E. Harding, James McCaughey and Daniel Freeman shall be the provisional directors of the said company. Provisional directors.

7. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the Board of Directors of Powers of provisional directors.

of the company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons who, upon being so named, shall become and be provisional directors of the company equally with themselves, to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under the Railway Act and any other law in force in Ontario are vested in such boards.

Capital stock,

application.

8. The capital of the company hereby incorporated shall be one hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act), to be divided into two thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act; and until such preliminary expenses shall be paid out of said capital stock the municipality of any city, county, town, township or village on the line of such works may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock.

Deposit on subscription.

9. On the subscription for shares of the said capital stock each subscriber shall pay to the directors for the purposes set out in this Act ten per centum of the amount subscribed by him; and the said directors shall deposit the same in some chartered bank, in the town of Ingersoll, to the credit of the said company.

Calls.

10. Hereafter calls may be made by the directors, for the time being, as they shall see fit; provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and 'thirty days' notice shall be given of all such calls, according to the by-laws of the company.

First election of directors.

11. As soon as shares to the amount of twenty-five thousand dollars of the capital stock of the said company shall have been subscribed and ten per centum thereof paid into some chartered bank having an office in the Town of Ingersoll (which shall on no account be withdrawn therefrom unless for the service of the company), the directors shall call a general meeting of the subscribers to the said capital stock who shall have so paid up
ten

ten per centum thereof for the purpose of electing directors of the said company.

12. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum and who are subscribers among them for not less than two thousand dollars of the said capital stock, and who have paid up all calls thereon. Neglect to call meeting.

13. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the County of Oxford, once in each week for the space of at least four weeks; and such meeting shall be held in the Town of Ingersoll, at such place therein and on such day as may be named by such notice: at such general meeting, the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company; and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act. Time and place of meeting.
First election of directors.
By-laws.

14. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the Town of Ingersoll, and on such days and on such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the County of Oxford. Annual meetings.

15. Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company. Special annual meetings.

16. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting. Voting.

17. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least twenty shares of stock in the company and unless he has paid up all calls thereon. Qualification of directors.

18. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present,
J present,

present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Power to aid.

19. And it shall further be lawful for any municipality or municipalities or any county municipality or any portion of any such municipality or municipalities or county municipality which may be interested in securing the construction of the said railway or through any part of which or near which the railway or works of the said company shall pass or be situated, to aid and assist the said company by loaning, or guaranteeing, or giving money by way of bonus to the company, or issuing municipal bonds to or in aid of the company, and otherwise in such manner and to such extent as such municipalities or any of them shall think expedient; and the aid and assistance to be given to said company by any portion of a county municipality whether the metes and bounds of such portion of a county municipality as set forth in the by-law for granting such aid be the metes and bounds of townships, or be so defined as to comprise a township or townships and portions of townships or only portions of townships, and in case of a portion of a township municipality granting such aid, then that the debentures to be issued should and shall be those of such township municipality, and in case of portions of a county municipality as aforesaid that such debentures should and shall be those of the county municipality; and that the proper council may of their own motion and without any previous petition therefor submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality or portions of the municipality to be affected thereby: provided always that no such aid, loan, bonus or guarantee shall be given except after the passing of by-laws for the purpose and the adoption of such by-laws by the rate-payers as provided in the Municipal Act for the creation of debts.

Aid on petition.

20. In case fifty persons at least, rated in the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, and in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by giving a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce a by-law and submit the same to the vote of the qualified voters.

Aid from part of a township.

21. In case aid is desired from any portion of a township municipality, if at least fifty of the persons who are qualified voters as aforesaid in any portion of the said township municipality do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of
the

the said railway by granting a bonus to the said company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall within six weeks after the receipt of such petition introduce a by-law and submit the same to the vote of the qualified voters.

22. In case aid is desired from any county municipality. Aid from counties. or any portions of a county municipality upon the petition of at least fifty persons who are qualified voters as aforesaid within such county municipality or portions of the county, as the case may be, or upon a petition of the majority of the reeves and deputy reeves of such county municipality as reside in the said portion from which aid is desired, and in the case of a portion of the county do in such petition define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality forming the portion of the county municipality that may be asked to grant aid, and in either cases in such petition expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company and stating the amount which they so desire to grant and be assessed for, the council of such county municipality shall within six weeks after the receipt of such petition introduce the requisite by-laws and submit the same to the vote of the qualified voters of the county or of the portions of the county defined in the said petition, as the case may be, in the same manner and to the same effect as if they had introduced the same of their own motion :

(1.) For raising the amount so petitioned for by such freeholders, or such reeve and deputy reeves, in such portion of the municipality, by the issue of debentures of the municipality, payable in twenty years, or by equal annual instalments of principal with interest ;

(2.) For assessing and levying upon all ratable property lying within the section defined by said petition, an equal annual special rate, sufficient to include a sinking fund, for the repayment of the debentures with interest thereon, said interest to be payable yearly or half yearly ; which debentures the municipal councils and the wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

23. Upon any such petition being presented to the warden or other head of any county, or the reeve, mayor, or other head of any other municipality, he shall forthwith call a meeting of the council of such municipality to be held within four weeks thereafter for the purpose of introducing such by-law, and submitting the same to the vote of the qualified voters. Meeting to introduce by-law.

24. In case fifty persons at least rated on the last revised assessment roll of the municipality of the Town of Ingersoll as freeholders, who may be qualified voters under the Municipal Act, Aid from town of Ingersoll.

Act, do petition the council to pass a by-law as in section twenty-two set forth for the purpose of aiding in the construction of the said railway by granting a bonus to the said company and stating the amount which they so desire to grant and be assessed therefor, the said council shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified electors, and the said bonus so granted, and the debentures to be issued therefor by the said council shall be valid and binding notwithstanding the Act passed in the twenty-eighth year of Her Majesty's reign, and chaptered twenty-eight consolidating the debt of the said Town of Ingersoll; Provided, however, that the provision of said Act in reference to sinking fund is carried out in providing for the amount so granted to aid said railway; and provided further, that no provision herein contained shall affect the priority of debentures already issued.

Council to pass
by-laws if car-
ried,

25. And in case the by-law of any municipality or portion of a municipality be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting the said council shall read the said by-law a third time and pass the same.

and issue de-
bentures.

26. And within one month after the passing of such by-law the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted.

Assessment on
aid by part of
a municipality.

27. In case any bonus be so granted by a portion of a local municipality, or county municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of the local municipality or county municipality.

Municipal Acts
applied when
by-law passed
by a part of a
municipality.

28. The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality to the same extent as if the same had been passed by or for the whole municipality or county municipality.

Assessment not
to exceed 3
cents in the
dollar.

29. All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar.

Exemption
from taxation.

30. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal

cipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years.

31. When any municipality shall grant a bonus of not less than thirty thousand dollars in aid of the said company, the council of such municipality shall be entitled to name a director in the said company as the representative of such municipality, and such director shall be, in addition to all shareholders directors, a director in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Municipal directors.

32. Whenever any municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor shall, within six weeks of the passing of the by-law authorizing the same, be delivered to three trustees, namely, Charles Henry Sorley, Thomas Wells and one to be named by the Lieutenant-Governor in council; Provided that if the Lieutenant-Governor in council shall refuse or neglect to name such trustee within one month after notice in writing requesting the appointment of such trustee, the said company shall be at liberty to name one in the place of the one to have been named by said Lieutenant-Governor in council.

On aid by municipality, to whom debentures to be issued.

33. Any of the said trustees may be removed, and a new trustee appointed in his place at any time, by the Lieutenant-Governor in council; and in case any trustee die or resign his trust, or go to live out of Ontario or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in council.

Appointment of new trustees.

34. The act of any two such trustees shall be as valid and binding as if the three had agreed.

Act of two trustees to bind.

35. The said trustees shall receive the said debentures in trust, firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered banks having an office in the Town of Ingersoll in the name of "The Port Burwell and Ingersoll Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the pro

Trusts as to debentures.

rata

rata amount per mile for the length of the road or portion of the road to be applied on the work so done; and such certificates shall be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificate by such engineer shall be punishable by fine of not less than one thousand dollars, recoverable in any court of competent jurisdiction in the Province of Ontario, and imprisonment in the discretion of the court.

Township debentures exchanged for county debentures.

36. Any county in which is or are situated a township or townships, or portion of a township that shall grant a bonus or bonuses in aid of the said company, shall be at liberty to take the debentures issued by such township or townships, and in exchange therefor to hand over to the trustees, under this Act, the debentures of the county on a resolution being passed to that effect by a majority of the county council.

Power to issue preferential bonds,

37. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof upon the undertaking and the property of the company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile, nor shall the amount of such bonds issued at any one time, be in excess of municipal and other bonuses, and paid up share capital actually expended in surveys, purchase of right of way and works of construction and equipment upon the line of the said railway, or materials actually purchased, paid for and delivered to the company within the Provinces of Ontario or Quebec; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders; Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof.

Limit to issue.

Bondholders entitled to vote.

Registry.

38. All such bonds, debentures, mortgages and other securities and coupons, and interest warrants thereon respectively may be made payable to bearer and transferable by delivery; and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Bonds, etc.,
transferable
by delivery.

39. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the secretary and treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Power to be-
come parties to
notes, etc.

40. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, the company may purchase, build, use or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and sell and convey the same, or part thereof from time to time as they may deem expedient.

Power to ac-
quire lands.

41. The railway shall be commenced within two years, and completed within five years after the passing of this Act or else the charter shall be forfeited.

Time for com-
mencement
and comple-
tion.

SCHEDULE "A."

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Port Burwell and Ingersoll Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land situate (*describe the land*) the same having been selected

selected

selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances to the said "The Port Burwell and Ingersoll Railway Company," their successors and assigns, (*here insert any other clauses, covenants or conditions required*) and I (*or we*) the wife (*or wives*) of the said do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*)
this day of , one thousand eight hundred
and

Signed, sealed and delivered }
in the presence of }

[L.S.]

SCHEDULE "B."

CHIEF ENGINEER'S CERTIFICATE.

THE PORT BURWELL AND INGERSOLL RAILWAY
COMPANY'S OFFICE,

No. Engineer's Department,
A.D. 18 .

Certificate to be attached to cheques drawn on the Port Burwell and Ingersoll Railway Municipal Trust Account and given under section of cap Vic.

I, , Chief Engineer for the Port Burwell and Ingersoll Railway do hereby certify that there has been expended in the construction of mile, No. (the said mileage being numbered consecutively from the boundary of the Town of Ingersoll) the sum of dollars to date, and that the total pro rata amount due for the same from the said Municipal Trust Account amounts to the sum of dollars, which said sum of dollars is now due, and payable as provided under said Act.

CAP. LV.

An Act to incorporate the Hamilton and North-Western Railway Company.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS Anthony Copp, James Turner, William E. Sanford, P. W. Dayfoot, Thomas Saunders, Dennis Moore, Adam Hope, A. F. Skinner, George H. Gillespie, Alexander Harvey, William McGiverin, C. Gurney, Jacob Hespeler, A. T.

T. Wood, D. B. Chisholm, D. McInnes, Edward Jackson, Tristram Bickle, K. Fitzpatrick, Adam Brown, Thomas Ferguson, M.P.P., and others have petitioned the Legislature of this Province for an Act of Incorporation to construct a railway from some point in or near the City of Hamilton through the Counties of Wentworth, Halton, Peel and Simcoe, or some of them to a point in or near to Barrie, and thence to a point on Hogg's, Sturgeon or Matchedash Bay, with power to extend the same so as to form a junction with the proposed Canada Central Railway or the Canada Pacific Railway or one or both of them, which would develop the resources of that part of the country and open up for settlement a large tract of country at present unimproved and lying waste, and it is expedient to grant the prayer of such petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The said parties above named together with such persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated shall become and are hereby declared to be a body corporate and politic by the name of "The Hamilton and North-Western Railway Company." Incorporation. Name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "by-laws,—notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them except so far as they may be inconsistent with the enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid. Certain clauses of the Railway Act to apply.

3. The company hereby incorporated and their agents or servants shall have full power and authority under this Act to lay out, construct and finish an iron railway from such point near or within the limits of the City of Hamilton on the shore of Burlington Bay or as near thereto as may be deemed desirable and continuing the same through the Counties of Wentworth, Halton, Peel and Simcoe to a point on one of the bays bordering on the Township of Tay, and with power to continue the same to Lake Nipissing, or to form a junction with the proposed Location of railway.
Canada

Canada Central or the Canada Pacific Railway, or both of them, and with power to construct the same in sections and with power to extend the same to the waters of Lake Simcoe at or near to Barrie; and it shall and may be lawful for the said company to take and appropriate for the use of said railway and the works connected therewith so much of the land as may be necessary for the works of the said railway, but not to alienate the same.

Capital stock. **4.** The capital of the company hereby incorporated shall be six hundred thousand dollars with power to increase the same in the manner provided by the Railway Act, to be divided into six thousand shares of one hundred dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act.

Provisional directors.

5. The said Anthony Copp, Thomas Saunders, P. W. Day-foot, John Young, W. E. Sanford, James Turner, William McGiverin, Edward Gurney, D. B. Chisholm, James M. Williams, Jacob Hespeler, Simon Plewis, Frederick Haines, Thomas Bowles, John White, James Barber, John Buck, T. D. McConkey, George Davis, John Kidd and Alfred A. Thompson shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders; and it shall be lawful for the provisional directors for the time being of the said company or a majority of the directors present at a meeting called for the purpose to supply the place or places of any of their number from time to time dying or declining or becoming incapable to act as such provisional directors, and to associate with themselves at a meeting of directors called for the purpose of deciding thereon not more than five other directors, who shall thereupon become and be directors of the company equally with themselves; which appointments whether by reason of death or resignation or the association of not more than five other directors shall be made from the several subscribers for stock in the said railway company to the amount of five hundred dollars each during the period of their continuance in office, and on which ten per centum shall have been paid.

Powers of provisional directors.

6. The said board of provisional directors shall have full power to open up stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereinafter provided

vided ; and such provisional directors may appoint a committee from their number to open such stock books giving at least three weeks' notice in the *Ontario Gazette* in one paper published in the City of Hamilton, and some one paper published in each county through which the road is proposed to pass, of the time and place of meeting to open such books and receive such subscriptions, and the said committee or a majority of them may in their discretion exclude any person from subscribing who in their judgment would hinder or delay the company in proceeding with their railway.

7. When and so soon as shares to the amount of two hundred thousand dollars in the capital stock of the company shall have been subscribed and ten per centum shall have been paid into one of the chartered banks of the Province or of the Dominion, or when and so soon as such subscriptions together with sums granted by municipalities either by way of bonus or in the subscription to the capital stock shall amount to such sum of two hundred thousand dollars, and the debentures granted in payment of such bonus or subscription shall have been deposited in one of the chartered banks of the Province, or with the Provincial Treasurer in the names of trustees as hereinafter provided, the provisional directors or a majority of them present at a meeting duly called for the purpose shall call a meeting of the subscribers for the purpose of electing directors giving at least three weeks' notice in a paper published in the City of Hamilton and in each of the counties affected and in the *Ontario Gazette* of the time, place and object of such meeting ; and at such general meeting the shareholders present either in person or by proxy, and who shall at the opening of such meeting have paid ten per cent. on the stock subscribed by them, shall elect nine persons to be directors of the said company in manner and qualified as hereinafter directed ; which said directors together with *ex-officio* directors under the Railway Act or this Act shall constitute a board of directors, and shall hold office until the first Monday of May in the year following their election.

When meeting for election of directors may be called.

Who may vote at such meeting.

8. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act, nor shall the debentures so deposited be otherwise applied than to the purposes of the railway as defined in the by-law or agreement between the municipality or municipalities granting the same and the railway company in relation thereto.

Sums and debentures deposited, application of.

9. The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section seven.

Power to limit amount of calls.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the City of

General annual meetings of

of Hamilton, and on such days and on such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one daily newspaper published in the City of Hamilton, and in some one newspaper in each of the counties which have granted bonuses or subscribed for stock.

Special general meetings.

11. Special general meetings of the shareholders of the said company may be held at such places in the City of Hamilton, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Qualification of directors.

12. In the election of directors under this Act no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company upon which all calls have been paid up.

Shareholders, right to vote, etc.

13. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Quorum.

14. At all meetings of the board of directors whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business; and the said Board of Directors may employ one of their number as paid director.

Aid from municipalities.

15. In case at least fifty of the persons rated on the last assessment roll as freeholders who may be qualified voters under the Municipal Act in any portion of a municipality do petition the council of such municipality to pass a by-law as hereinafter set out, and in such petition do define the metes and bounds or the section of the municipality within which the property of the petitioners is situated, or in the case of a county municipality if fifty persons at least of the qualified ratepayers within the portion of the county affected, or the majority of the reeves and deputy reeves for those townships, towns or incorporated villages that may be asked to grant a bonus, do petition the council of such county municipality to pass a by-law as hereinafter set out, and in such petition do define the townships, towns or incorporated villages for which they are respectively the reeves and deputy reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company for this purpose, and stating the amount which they so desire to grant and to be assessed therefor, and in such petition do define the municipalities or portions of municipalities that may be asked to grant such aid, the council of such municipality or county municipality, as the case

case may be, shall pass a by-law and submit the said by-law to the vote of the qualified ratepayers of the municipality or municipalities or portion of such municipality or municipalities defined in said petition :—

(1.) For raising the amount so petitioned for by such freeholders or such reeves and deputy-reeves in such portion of the municipality, by the issue of debentures of the municipality payable in twenty years or earlier, or by annual instalments, and for the delivery to trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition :

(2.) For assessing and levying upon all the ratable property lying within the section defined by said petition an annual special rate sufficient to include a sinking fund for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly; which debentures the municipal councils and the wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively : Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight, of the Municipal Act of one thousand eight hundred and sixty-six, chaptered fifty-one, by the majority of qualified electors voting thereon, in the municipality or portion of a municipality, petitioning as aforesaid.

16. It shall be the duty of the warden or other head of the council upon such petition to call a meeting of the council for the purpose of introducing such by-law and submitting the same to the ratepayers; and within one month after the passing of such by-law the said council and the warden, mayor, reeve or other head thereof and the other officers thereof shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

After passing
by-law, debentures to issue.

17. In case any bonus be so granted by a portion of a local municipality or county municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon, shall be assessed and levied upon such portion only of the municipality or county municipality.

Assessment on
portion of a
municipality.

18. The provisions of the Municipal Acts so far as the same are not inconsistent with this Act shall apply to any by-law so passed by or for a portion of a municipality or county municipality to the same extent as if the same had been passed by or for the whole municipality or county municipality.

Municipal Acts
applied.

19. All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby shall be valid.

Assessment
not to exceed
three cents on
the dollar.

Power to
exempt from
taxation.

20. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient not exceeding twenty-one years.

Municipal
directors.

21. Any county municipality which shall grant a bonus of not less than five thousand dollars per mile for the line of the railway within the said county in aid of the said company shall be entitled through its council to name its warden as director in the said company as the representative of such municipality; and such director shall be a director in addition to all shareholders directors in the said company, and shall not require to be a shareholder in the said company and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

Municipal de-
bentures, deli-
very to trus-
tees.

22. Whenever a municipality or municipalities shall grant a bonus to aid the said company, the debentures therefor shall be within six weeks after the passing of the by-law delivered to three trustees, one to be named by the company, one by the municipalities granting such bonuses, and one by the Lieutenant-Governor in Council; Provided always that if the municipal councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the company, then the company shall be at liberty to name such trustee; in the event of the death, resignation or inability or refusal to act of any trustee, the party who originally appointed such trustee so dying, resigning or becoming incapable or unwilling to act may appoint a successor, and in the event of such party failing for two weeks after notice in writing to make such appointment the company may appoint such trustee.

Trusts of
debentures.

23. The said trustees shall receive the said debentures in trust; firstly to convert the same into money; secondly to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks having an office in the City of Hamilton in the name of the Hamilton and North Western Railway Municipal Trust Account, and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in Schedule "A" hereto or to the like effect, setting out the portion of the railway to which the money to be paid out is applied, and the total amount expended on such portion to the date of the certificate, and such certificate, to be attached to the cheque to be drawn by the said trustees.

24. The act of any two of such trustees to be as valid and binding as if the three had agreed. Two trustees may bind the three.

25. Any county in which is or are situate a township or townships or portion of a township that shall grant a bonus or bonuses in aid of the said company shall be at liberty to take the debentures issued by such township or townships or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county on a resolution being passed to that effect by a majority of the county council. Township may be exchanged for county debentures.

26. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called, from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the said company, and countersigned by the secretary and under the seal of the said company, for the purposes of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Province of Ontario or Quebec; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof. Power to issue bonds preferential. Limit to issue bonds. Rights of unpaid Bondholders.

27. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name. Bonds, etc., transferable by delivery.

Power to become parties to notes, etc.

28. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Power to acquire whole lots, though less would suffice.

29. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and sell and convey the same or part thereof, from time to time, as they may deem expedient.

Commencement and completion.

30. The railway shall be commenced within two years, and completed to the waters of the bays aforesaid within five years, and finally completed within seven years after the passing of this Act.

Rates for carrying wood.

31. The said railway company shall at all times receive and carry cordwood or any wood or fuel at a rate not to exceed, for dry wood, three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three and a half cents per cord per mile from all stations under fifty miles in full car loads; and for green wood at the rate of two and a half cents per ton per mile; the company shall, further, at all times furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway.

Arrangements may be made with other companies.

32. The company incorporated by this Act may enter into any arrangement with any other railway company or companies for the working of the said railway on such terms and conditions as the directors of the several companies may agree on,
or

or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other, or by both companies of the railway or rolling stock, of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, Provided that the assent of at least two-thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company, and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line.

33. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act issue for the construction of the railway or otherwise. Power to
pledge bonds.

34. Conveyances of lands to the said company for the purposes of and powers given by this Act made in the form set out in the schedule "A," hereunder written, or the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest and sufficient bar of dower, respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof. Conveyances,
how made.

SCHEDULE "A."

Know all men by these presents, that I, (or we,) [*insert the name or names of the vendors*] in consideration of

dollars paid to me (or us)

by the Hamilton and North-Western Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I, (or we,) [*insert the names of any other party or parties*] in consideration of dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be,) of land situate

K

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said Port Whitby and Port Perry Railway Company and their servants shall have full power and authority to construct a branch of their said Railway from Port Perry to navigable water in the town of Lindsay, and thence to Fenelon Falls, by such course as to the directors of the said company may seem expedient.

Power to
Company to
extend their
line.

2. The times limited for the commencement and completion of the Railway to the waters of Lake Simcoe, and of the branch into Uxbridge, under the second and fourth sections of the Act passed in the thirty-second year of Her Majesty's reign, chapter sixty, are hereby extended for the period of two years from the times mentioned in said Act for such commencement and completion.

Time limited
for commence-
ment and
completion of
Railway ex-
tended.

3. All the clauses and provisions contained in the Act incorporating the said Port Whitby and Port Perry Railway Company, except where repealed and amended by subsequent Acts relating thereto, and the several powers and authorities conferred upon such company by such Act, and all said subsequent Acts, and the several clauses of the general Railway Act mentioned and referred to in the said Acts, shall apply to the extended powers conferred hereby; and the branch hereby authorized shall be commenced within two years and completed within five years after the passing of this Act, or the charter for the said branch to Lindsay shall be forfeited.

Certain pro-
visions in pre-
vious Acts and
Railway Act
to apply.

When branch
to be complet-
ed.

4. The grant of bonus debentures by the municipalities of the townships of Whitby, Reach and Scugog, in aid of the said Railway, shall not in any respect be invalidated by reason of the said company having laid down their Railway on a gauge of four feet eight and one-half inches, instead of five feet six inches, as was originally contemplated; but the said debentures which have not already been delivered, shall be handed over by the said respective municipalities when the terms of the by-laws or agreements between the said municipalities and the said company respecting them, have been complied with, the same in every respect as though the gauge of the said Railway had not been altered.

Municipal de-
bentures not
invalidated
by change of
Railway
gauge.

5. The said railway company is hereby authorized to lease the whole or any portion of the said railway to any person or persons or to any railway company upon such terms and subject to such covenants and conditions as may be mutually agreed upon by the said parties, subject however to ratification by vote of two-thirds of the shareholders present at any meeting called for such purpose.

Power to
lease.

Rights of municipalities holding stock.

6. Any municipality having taken stock in the said company or which may hereafter take any stock therein shall have the same rights and privileges with reference to voting thereon, as may be exercised by individual stockholders in the said company.

CAP. LVII.

An Act to confirm and legalize certain By-laws passed by the Corporations of the City of Kingston, the County of Frontenac, the County of Renfrew, and the village of Pembroke, granting aid to the Kingston and Pembroke Railway Company.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the Corporation of the City of Kingston have passed a by-law granting aid by way of bonus to the Kingston and Pembroke Railway Company to the extent of three hundred thousand dollars, and the Corporation of the County of Frontenac have passed a by-law granting aid by way of bonus to said railway company to the extent of one hundred and fifty thousand dollars; and the Corporation of the County of Renfrew have passed a by-law granting aid by way of bonus to said railway company to the extent of one hundred thousand dollars: and the Corporation of the village of Pembroke have passed a by-law granting aid by way of bonus to said railway company to the extent of fifty thousand dollars; and whereas the said village of Pembroke, for the purpose of paying interest and providing a sinking fund for the payment of the debentures issued under said by-laws and for the purpose of raising a sufficient sum in each year to pay all valid debts, whether of principal or interest, falling due within the year, will have to assess and levy in each year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates; and whereas the Corporation of the County of Renfrew was at the time of passing said by-law indebted to the Consolidated Municipal Loan Fund; and whereas the validity of said by-laws is questioned for want of power in said municipalities to grant such aid; and whereas technical and other objections may be taken to the legality of one or more of said by-laws tending to depreciate the value of the debentures issued under and by virtue thereof; and whereas the said railway company have by their petition prayed that the said by-laws should be legalized;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain By-laws and de-

1. That the by-law passed by the Corporation of the City of Kingston, and intituled "A By-law to aid and assist the Kingston

ston and Pembroke Railway Company by granting a bonus thereto of three hundred thousand dollars ;" that the by-law numbered sixty-four passed by the Corporation of the County of Frontenac, and intituled "A By-law to aid and assist the Kingston and Pembroke Railway Company by granting a bonus of one hundred and fifty thousand dollars to said company ;" that the by-law numbered one hundred and thirty-six passed by the Corporation of the County of Renfrew and intituled "A By-law to aid and assist the Kingston and Pembroke Railway Company by granting a bonus thereto of one hundred thousand dollars"; and that the by-law numbered eighty-six passed by the Corporation of the village of Pembroke and intituled "A By-law to aid and assist the Kingston and Pembroke Railway Company by granting a bonus thereto of fifty thousand dollars," and all debentures issued or that may hereafter be issued under either of said by-laws, be, and the same are declared legal, binding and valid upon the said respective corporations of the City of Kingston, the County of Frontenac, the County of Renfrew, and the village of Pembroke and all others whosoever, any law or statute to the contrary notwithstanding; Provided always, that nothing in this Act contained shall in anywise affect the claim of the late Province of Canada, or of the Province of Ontario, in respect to the debt contracted under the Act establishing a consolidated municipal loan fund for Upper Canada, and Acts amending the same.

debentures
issued there-
under legalized

2. That it shall be lawful for the Corporation of the village of Pembroke to assess and levy on the whole ratable property within its jurisdiction a sufficient sum in each year to cover the ordinary purposes of said corporation, and to pay all valid debts of the corporation whether of principal or interest, including principal and interest upon debentures issued under said by-law number eighty-six falling due within one year, notwithstanding it may require to assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value exclusive of school rates.

Corporation of
Pembroke
may levy in-
creased rates.

3. That nothing in this Act contained shall in any way affect or qualify the conditions, or any of them, in the said by-laws, or any of them contained, upon or subject to which the bonus or any of them mentioned in the said by-laws, or any of them, are to be given to the said Kingston and Pembroke Railway Company.

Conditions of
by-laws to
remain un-
changed.

CAP. LVIII.

An Act to affirm the validity of certain By-laws passed in aid of the extension of the Midland Railway of Canada.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the Midland Railway of Canada have prayed that all doubts as to the validity of certain by-laws passed for the purpose of aiding by bonus the extension of the said railway may be removed :

Therefore Her Majesty, by and with the consent and advice of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-laws and debentures in aid of Midland Railway legalized.

1. All by-laws passed by any municipality for the purpose of aiding the said Midland Railway, under the third section of the Act passed in the thirty-third year of Her Majesty's reign, chaptered thirty one, and intituled "An Act to authorize the Port Hope, Lindsay and Beaverton Railway Company, to change the name of their railway and to extend their line of railway, and for other purposes," and all debentures issued or to be issued under such by-law or by-laws, shall be and are hereby declared to be legal and valid ; Provided such by-law or by-laws have been adopted by a majority of legally qualified rate-payers who have voted thereon.

CAP. LIX.

An Act to authorize the Cobourg, Peterborough and Marmora Railway and Mining Company to extend its line of Railway and for other purposes.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS it is expedient that the Cobourg, Peterborough and Marmora Railway and Mining Company shall be authorized to extend its line of Railway from the present terminus in the village of Ashburnham to the town of Peterborough, and thence through the townships of Smith, Ennismore, Emily, Harvey, Verulam and Fenelon, and across any intervening waters to Fenelon Falls, and thence to Parry Sound, on the Georgian Bay :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Cobourg, Peterborough and Marmora Railway and Mining Company is hereby authorized to extend its line of Railway from the present terminus in the village of Ashburnham to the town of Peterborough, and thence through the townships of Smith, Ennismore, Emily, Harvey, Verulam and Fenelon, and across any intervening waters, to Fenelon Falls, and thence to Parry Sound on the Georgian Bay: Provided always that the said extension shall be completed to Chemung Lake within one year, to Bobcaygeon within two years, and to Georgian Bay, within three years from the passing of this Act, otherwise the corporate powers of the said company as to the uncompleted portion of the said extension shall cease.

Extension of
line of railway.

2. The several provisions of the various Acts relating to the Cobourg and Peterborough Railway Company, and to the Cobourg, Peterborough and Marmora Railway and Mining Company, are hereby declared to apply, so far as applicable, to the extension hereby authorized.

Former Acts to
apply.

3. The corporation of the town of Peterborough may by by-law duly submitted to and approved of, by a majority of the rate-payers entitled to vote, and who shall have voted upon the same, notwithstanding the provisions of An Act passed in the twenty-fourth year of Her Majesty's reign, intituled "An Act to consolidate the debt of the town of Peterborough, and to authorize the issue of debentures on the security of town property and for other purposes," grant aid by way of bonus to an amount not exceeding one hundred thousand dollars to the said company, and to issue its debentures therefor, which debentures shall be subject to the same provisions as those authorized under the said recited Act; and the said corporation may, by such by-law, impose such conditions upon which the said aid shall be granted, as they may deem expedient, which conditions shall, upon the acceptance by the said company of the aid so granted, be binding upon the said company.

Town of Peter-
boro' may
grant aid to
Company.

4. The directors of the said company, are hereby authorized to lease, subject to any debentures issued, or to be issued by the said company, the whole or any part of the said Railway to any person or persons, for such terms, and subject to such covenants, conditions and agreements as they may think proper, and to take security upon such lease by way of mortgage, to secure the payment of any money or bonds to be advanced to such lessee or lessees, and the performance of any covenants and agreements to be entered into by such lessee or lessees with the said company; Provided also, further that the company, and any lessee thereof, shall be jointly and severally liable in respect of all damage or injury that may arise to any person or property while the railroad is under lease as aforesaid.

Lease of Rail
way.

Issue of debentures.

5. The directors of the said company shall have power to issue from time to time as occasion may require for the purposes of the said company, debentures of the said company for such sums payable at such times and places, in such currency, and with such rates of interest not exceeding eight per centum per annum, payable half-yearly, as they may deem expedient; all which debentures so to be issued as aforesaid, shall be a charge after the existing debentures, upon all the properties of the said company, acquired or to be acquired, without preference or priority of any one debenture so to be issued, over any other debenture so to be issued; but the amount of the debentures when issued, including the existing debentures, shall not exceed ten thousand dollars per mile of the said railway constructed and actually under construction at the time of such issue.

Annual meetings.

6. Hereafter the time for holding the annual general meetings of the shareholders of the said company, shall be the first Wednesday in June, in each year.

Consent of two-thirds in value of shareholders and bond-holders required.

7. No proceedings shall be had or taken by the directors of the said company under this Act, except with the previous consent of two-thirds in value of each class of the shareholders of the said company, obtained at a general meeting of such shareholders, to be called for that purpose, by giving one month's previous notice of such meeting in the Ontario Gazette, and in one newspaper published in the town of Cobourg, and with the consent in writing of two-thirds in value of the bond-holders of the said company.

CAP. LX.

An Act to amend An Act intituled, "An Act to Incorporate the Fenelon Falls Railway Company."

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS it is desirable to amend an Act passed in the thirty-fourth year of Her Majesty's reign intituled "An Act to Incorporate "The Fenelon Falls Railway Company;" Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Shareholders.

1. The first section of the said Act is hereby repealed, and in lieu thereof it is enacted that George Laidlaw, John Turner, George Stephen, William Thompson, John Burns, H. P. Dwight, John Morrison, Christopher W. Bunting, R. W. Ramsay, R. W. Elliot, J. C. Fitch, Charles J. Campbell, and Alexander

ander John Cattanach, together with such other persons and corporations as shall, in pursuance of the said Act, become shareholders of the said company are hereby constituted and declared to be a body corporate and politic by the name of "The Lindsay, Fenelon Falls and Ottawa River Railway Company."

2. The third section of the said Act is hereby repealed, and in lieu thereof it is enacted that the said company shall have full power to construct a railway from a point on the line of the Toronto and Nipissing Railway between the village of Uxbridge and the unincorporated village of Sunderland, both in the County of Ontario, to the town of Lindsay in the County of Victoria, thence to Fenelon Falls or to any point in the vicinity thereof, on the waters of Gull River, between said Falls and Sturgeon Lake, and thence in a north-easterly direction to a point on the Ottawa River, with power to carry their railway through any Crown Lands through which it may pass, and to construct a branch connecting with the Port Whitby and Port Perry Railway. The said Company and the Port Whitby and Port Perry Railway Company shall have power to lay down a third rail, the one upon the line of the other, and to run cars or trains the one over the road of the other, upon such terms and conditions as may be mutually agreed upon by the said Companies.

34 V., c. 43,
s. 1, amended.

Change and
extension of
route.

Power to lay
third rail.

3. The sixth section of the said Act is hereby repealed, and in lieu thereof it is enacted that George Laidlaw, John Turner, George Stephen, William Thompson, John Burns, H. P. Dwight, John Morrison, Christopher W. Bunting, R. W. Ramsay, R. W. Elliott, J. C. Fitch, Charles J. Campbell and Alexander John Cattanach shall be the Provisional Directors of the said company.

Sec. 6, amended.

Provisional
directors.

4. The eighth section of the said Act is hereby repealed and in lieu thereof it is enacted that the capital of the said company shall be three hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, instead of seventy-five thousand dollars.

Sec. 8, amended.

Increase of
capital.

5. The twentieth section of the said Act is hereby repealed, and in lieu thereof, it is enacted—

Section 20
amended.

(20.) That such by-laws shall be submitted in manner following, namely:—

(1.) In the case of a county municipality by the county council on a petition of a majority of the reeves and deputy-reeves, or of two hundred resident free-holders who may be duly qualified voters under the Municipal Act.

(2.) In the case of other municipalities and of sections of such municipalities, by the councils of such municipalities, on the petition of the majority, or of fifty resident free-holders duly qualified voters as aforesaid.

(3.)

(3.) And in the case of municipalities, or portions of municipalities which form part of a county municipality, by the council of such county municipality on the petition of fifty resident free-holders who are duly qualified voters as aforesaid.

Submission of
by-laws.

6. Such by-laws shall be submitted:—

(1.) For raising the amount so petitioned for by the issue of debentures, payable in twenty years by equal annual instalments of principal with interest, and for delivery to the trustees of the debentures for the amount of such aid or bonus, at the times and on the terms specified in the petition.

(2.) For assessing and levying upon all the ratable property lying within the section or sections defined by the petition, an equal annual special rate, sufficient to include a sinking fund for the repayment of the debentures with interest thereon; said interest to be paid yearly or half-yearly; which debentures the municipal councils and the wardens, reeves, and other officers thereof, are hereby authorized to execute and issue in such case, respectively.

Capital stock.

7. Section twenty-six of the said Act is hereby amended by substituting the words "one hundred and twenty-five thousand dollars" for "sixty-five thousand dollars."

Gifts of land
for station and
for other pur-
poses.

8. Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Trustees of
debentures
and their ap-
pointment.

9. The twenty-eighth section of the said Act is hereby repealed, and instead thereof it is enacted that whenever any municipality or portion or portions of a municipality shall grant a bonus to aid the said company in the making, equipping, and completion of the said railway, the debentures therefor shall, within six weeks after the passing of the by-laws authorizing the same, be delivered to the Honourable Matthew Crooks Cameron, Samuel Casey Wood, M.P.P., and a third person who shall be appointed by the Lieutenant-Governor in Council, and in case of gifts by individuals or bodies politic or corporate other than municipalities, the same shall be delivered to the same persons unless the said company and such individuals or bodies politic or corporate shall agree on some other person or persons for that purpose or shall agree that the same shall be delivered to the said company: Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice to him in writing requiring

requiring him to appoint a trustee, the said company shall be at liberty to name a trustee in the place of the one to have been named by the said Lieutenant-Governor in Council.

10. Instead of the words "The Fenelon Falls Railway Company," used in the thirty-first section of the said Act, the words "The Lindsay, Fenelon Falls and Ottawa River Railway Company" shall be used: and the direction therein contained as to the conversion of debentures shall not apply to gifts by individuals or bodies corporate or politic, not being Municipalities, unless they shall by deed agree thereto; and as to such gifts the said trustees shall hold the same upon such trusts and for such purposes as may be defined by deed or deeds between the parties: and so much of the said section as relates to the *pro rata* application per mile of the proceeds of debentures is hereby repealed, and in lieu thereof, be it enacted that for the purpose of applying the aid which may be given to the said company, the said railway shall be divided into sections, the first of which shall consist of the line of way between the point of junction of the said railway with the Toronto and Nipissing Railway, or with the Port Whitby and Port Perry Railway, or with both and Fenelon Falls or some other point in the township of Somerville, and that all bonuses granted in the Counties of Ontario and Victoria, shall be expended on that section, and further that the limits of the other sections and the applications of bonuses thereon shall be determined by the Lieutenant-Governor in Council on giving reasonable notice to the company.

Change of name.

Application of gifts by individuals or corporate bodies not municipalities.

Division of Railway into sections with reference to application of bonus, &c.

11. It shall be lawful for the said company to issue bonds to the extent of nine thousand dollars per mile, instead of the sum of two hundred and fifty thousand dollars mentioned in the thirty-third section of the said Act: but the amount of such bonds issued at any one time shall not exceed the amount of municipal and other bonuses and paid up capital actually expended in purchase of right of way and in works of construction and equipment upon the line of the said railway or materials actually purchased, paid for or delivered to the company, within the Province of Ontario or Quebec, beyond the proportion or ratio of five dollars of bonds for every four dollars of such bonuses and capital as aforesaid.

Issuing of bonds and their amount.

12. The line of the said railway, as extended by this Act, shall be commenced within two years and completed as far as the township of Somerville in the County of Victoria, within three years after the passing of this Act, and as far as the Ottawa River within five years thereafter.

Time for commencement and completion.

13. There shall be nine directors of the said company instead of seven, as provided by section thirteen of the said Act.

Number of directors.

Carrying of
cordwood.

14. The said railway company shall at all times receive and carry cordwood or any wood or fuel at a rate not to exceed for dry wood two and a half cents per cord per mile from all stations exceeding fifty miles, and at a rate not exceeding three cents per cord per mile from all stations under fifty miles in full carloads, and for green wood at the rate of two and one-half cents per ton per mile.

Providing faci-
lities and stor-
age ground
therefor.

The company shall at all times also furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway, and shall furnish as much ground for the storage and piling of cordwood free of charge at every station, except in Toronto, as shall be deemed by the Council of the Board of Trade of Toronto sufficient for the purpose.

Section 11
amended.

15. Section eleven of said Act shall be amended, by making the number of shares one hundred and twenty thousand, instead of forty thousand.

CAP. LXI.

An Act to incorporate the Omemee, Bobcaygeon and North Peterborough Junction Railway Company.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS William Cottingham, Thos. Matchett, Charles J. Blomfield, Arthur T. H. Williams, D. E. Boulton, Adolph Hugel, James Jimkin, N. Kirchoffer, S. S. Peck, G. Boyd, W. B. Read, E. S. Vinden, Arthur McQuade, J. F. Schepeler, Lewis Ross, H. H. Meredith, Thomas Stephenson, William Fraser, Charles R. Stewart, T. M. Benson, Mason Boyd, Francis Beamish, James M. Irwin, C. Nolson, George Bick, Horace Aylwyn, Charles E. Bonnell, and Robt. K. Connell, have petitioned the Legislature for an Act of incorporation to construct a railway from a point on the Midland Railway of Canada, near the Village of Omemee, to the Village of Bobcaygeon, with power to extend northwards so as to intersect the Canada Central or Pacific Railway; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. The said William Cottingham, Thos. Matchett, Charles J. Blomfield, Arthur T. H. Williams, D. E. Boulton, Adolph Hugel, James Jimkin, N. Kirchoffer, S. S. Peck, G. Boyd, W. B. Read, E. S. Vinden, Arthur McQuade, J. F. Schepeler, Lewis Ross,
H.

H. H. Meredith, Thomas Stephenson, William Fraser, Charles R. Stewart, T. M. Benson, Mason Boyd, Francis Beamish, James M. Irwin, C. Nolson, George Bick, Horace Aylwyn, Charles E. Bonnell, and Robt. K. Connell, together with such other persons and corporations as shall become shareholders of the company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name and style of "The Omemee, Bobcaygeon and North Peterborough Junction Railway Company."

Corporate name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments, with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, etc.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express provisions hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Certain clauses of Con. Railway Act, to apply to this Act.

Interpretation of the words "this Act."

3. The said company shall have full power and authority to lay out, construct and complete a double or single iron railway from any point on the Midland Railway of Canada between the village of Millbrook and the town of Lindsay, to the village of Bobcaygeon, with power to extend northwards so as to intersect the Canada Central or Pacific Railway, and with full authority to pass over any of the country between the points aforesaid, and to carry the said railway through the Crown lands lying between the points aforesaid.

Location of railway.

4. The said William Cottingham, Thos. Matchett, Charles J. Blomfield, Arthur T. H. Williams, D. E. Boulton, Adolph Hugel, James Jimkin, N. Kirchoffer, S. S. Peck, G. Boyd, W. B. Read, E. S. Vinden, Arthur McQuade, J. F. Schepeler, Lewis Ross, H. H. Meredith, Thomas Stephenson, William Fraser, Charles R. Stewart, T. M. Benson, Mason Boyd, Francis Beamish, J. M. Irwin, C. Nolson, George Bick, Horace Aylwyn, Charles E. Bonnell, and Robt. K. Connell, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders; and shall have power and authority immediately after the passing of this Act to open stock-books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys

Provisional directors.

Tenure of office.

surveys and plans to be made and executed, and, as hereinafter provided, to call a general meeting of the shareholders for the election of directors, and with all such other powers as under the Railway Act are vested in ordinary directors.

Capital stock.

Application of
the money
raised on the
stock.

5. The capital stock of the company hereby incorporated shall be two hundred thousand dollars (with power to increase the same in the manner provided by the General Railway Act of Canada,) to be divided into shares of one hundred dollars each; which amount shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the work hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway and the other purposes of this Act, and to no other purpose whatever.

Municipalities
may aid the
company,

such aid to be
granted by by-
law.

6. And it shall further be lawful for any municipality or municipalities through any part of which or near which the railway or works of the said company shall pass or be situated, to aid or assist the said company by loaning or guaranteeing or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company and otherwise, in such manner and to such extent as such municipalities or any of them shall think expedient; Provided always that such aid, loan, bonus or guarantee shall be given under a by-law for the purpose, to be passed in conformity with the provisions of the Act respecting Municipal Institutions for the creation of debts; and all such by-laws so passed shall be valid, notwithstanding that such rate may exceed the aggregate rate of two cents in the dollar on the actual value of such ratable property; provided that the annual rate of of assessment shall not in any case exceed, for all purposes, three cents in the dollar on the actual value of the whole ratable property within the municipality or portion of a municipality creating such debt.

If a portion of
a municipality
desire to aid,
the council
to pass a by-
law,

7. In case a majority of the persons rated on the last assessment-roll as freeholders in any portion of a municipality, other than a county municipality, do petition the council of such municipality, defining the metes and bounds of the section of the municipality within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus or donation to the said company for this purpose, and stating the amount which they so desire to give and grant and to be assessed therefor, the council of such municipality shall pass a by-law:—

for issuing de-
bentures.

(1.) For raising the amount so petitioned for by the freeholders in such portion of the municipality by the issue of debentures

debentures of the municipality payable within twenty years or earlier, and for the payment to the said company of the amount of the said bonus or donation at the time, and on the terms, specified in the said petition ;

(2.) For assessing and levying upon all the ratable property lying within the section defined by the said petition an annual special rate sufficient to include a sinking fund for the re-payment of debentures with the interest thereon; which municipal councils are hereby authorized to execute and issue in such cases respectively ; Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chaptered fifty-one, by the majority of qualified electors in the portion of a municipality petitioning as aforesaid.

for assessing and levying a special rate.

By-law to be approved by electors.

8. So soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per centum paid thereon and deposited in one of the chartered banks of this Province for the purposes of the said company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of said company ; and no portion of such money shall be withdrawn except for the legitimate purposes of the company.

General meeting for election of directors.

9. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock and who have paid up all calls thereon.

How the meeting is to be called, if the provisional directors neglect to call the same.

10. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the Town of Port Hope, and in one newspaper (provided there be any) published in each of the counties through which the said railway is intended to pass, once in each week for the space of at least a month, and such meeting shall be held in the Town of Port Hope, at such place therein, and on such day as may be named by such notice.

Notice of the general meeting.

11. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also make or pass such rules and regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of Directors.

Qualification
of Directors.

12. No person shall be qualified to be elected as such director unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Annual meet-
ings.

13. Thereafter, the general annual meeting of the shareholders of the said company shall be held in such place in the Town of Port Hope, and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least fourteen days previously in the *Ontario Gazette*, and in one or more newspapers published in the counties through which the railway runs.

Notice thereof

Special meet-
ings.

14. Special general meetings of the shareholders of the said company may be held at such places in the Town of Port Hope, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Issue of bonds
by the Com-
pany.

15. The directors of the said company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company real and personal, and then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid: Provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Rights of
bondholders at
annual meet-
ing.

Amount of
bonds not to
exceed \$9000
per mile.

16. The amount of bonds to be issued by the said company as provided in the next preceding section, shall not exceed nine thousand dollars per mile of the said railway actually under construction at the time of such issue: Provided that such bonds shall not be issued unless the interest thereon shall be guaranteed by the Midland Railway Company of Canada; but in the event of the said Midland Railway Company not obtaining power to guarantee or declining to guarantee the interest on such bonds, the company may issue bonds to a similar amount; Provided further, that the amount of such unguaranteed bonds issued at any one time shall not exceed the amount actually expended

expended in surveys and works of construction upon the line of the said railway.

17. All such bonds, debentures, mortgages and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name. Securities may be made payable to bearer.

18. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors shall be binding on the said company; and, every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Company may make promissory notes, &c., if not intended to be circulated as money.

19. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him. Scale of votes.

20. At all meetings of the company, the stock held by municipal and other corporations may be represented by such person as they shall have respectively appointed in that behalf by by-law; and such persons shall at such meetings be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting. How stock held by corporations to be represented. Only shareholders who have paid up to vote.

21. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors. Quorum of directors.

22. The directors may at any time call upon the shareholders for such instalments upon each share which they may hold in the capital stock of the said company, and in such proportion as they may see fit, except that no such instalment Calls upon shares.

stalment shall exceed ten per centum on the subscribed capital, and that thirty days notice of each call shall be given in such manner as the directors shall prescribe by the by-laws of the company.

Conveyances
of lands to the
company.

Registration
thereof.

Registrar's
fees.

23. Conveyances of lands to the said company for the purposes of this Act, may be made in the form set out in the Schedule hereunder written, or to the like effect; and such conveyances shall be registered by duplicates thereof in such manner and upon such proof of execution as is required under the Registry laws of Ontario; and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

Gauge of
railway.

24. The gauge of the said railway shall be not less than three feet six inches.

Company may
enter into cer-
tain agree-
ments with the
Midland Rail-
way Com-
pany.

25. It shall be lawful for the said company to enter into any agreement with the Midland Railway of Canada for leasing the said, The Omemee, Bobcaygeon and North Peterborough Junction Railway, or any part thereof, or the use thereof at any time or times, for any period not exceeding twenty-one years, to such other company, or for leasing or hiring from such other company any railway or any part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders, or moveable property, and generally to make any agreement or agreements with such other company touching the use by one or the other, or by both companies of the railway, or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and every such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be, and hereby is, empowered to exercise all the rights and privileges in this charter conferred.

Rights of alien
or non-resident
shareholders.

26. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company.

Company may
use lands for
gravel pits and
waters of
streams.

27. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same, or parts thereof, from time to time, as they may deem expedient.

28. The said railway shall be commenced within one year, and completed from the point of junction with the Midland Railway of Canada to or near the Village of Bobcaygeon, within two years after the passing of this Act, or else all rights and privileges conferred upon the said company by this Act shall be forfeited.

When railway
to be com-
menced and
completed.

SCHEDULE.

Know all men by these presents that I (*or we*) (*insert also the name of wife, or any other person who may be a party*) in consideration of dollars paid to me (*or as the case may be*) by The Omemee, Bobcaygeon and North Peterborough Junction Railway Company, the receipt whereof is hereby acknowledged, do grant, and I the said

do grant and release, (*or*) do bar my dower in (*as the case may be*) all that certain parcel, (*or*) those certain parcels (*as the case may be*), of land, situate (*describe the land*), the same having been selected by the said company for the purposes of this railway to hold with the appurtenances thereof unto the said The Omemee, Bobcaygeon and North Peterborough Junction Railway Company, their successors and assigns.

As witness my hand and seal, (*or our hands and seals*), this
day of one thousand eight hundred
and

Signed, sealed and delivered }
in the presence of }

[L.S.]

CAP. LXII.

An Act to incorporate the Bowmanville, Lindsay and Bobcaygeon Railway Company.

[Assented to 2nd March, 1872.]

WHEREAS Frederick Cubitt, S. C. Wood, M. Boyd, John McLeod, William Thompson, Robert Magill, John Milne, John McDougall, John McClung, P. Murdoch, Henry Elliott, Sen., M. Davies, W. K. Burk, E. G. Power, Thomas Fowke, John Gray, R. Touchbourne, Porter Preston, and others, have by their petition prayed for an Act of Incorporation to construct a railway from the waters of Lake Ontario, in the Town of Bowmanville, in the County of Durham, through the Townships of Darlington, Clarke, Cartwright and Manvers, in the said County of Durham, and the Townships of Ops (through or near the Town of Lindsay), Emily and Verulam, in the County of Victoria, and the Township of Harvey, in the County

Preamble.

County of Peterborough, to the place known as Bobcaygeon, thence to some point in the Crown Free Grant Lands and the lands of the Canadian Land and Emigration Company, in the Counties of Victoria and Peterborough, and a branch from some point on the said line of railway through or near the Township of Fenelon, and thence through the Counties of Victoria, Ontario and Simcoe to some point on the Georgian Bay, at or near Parry Sound, and to carry the said railway through the Crown Lands lying between the points aforesaid; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation. 1. The said Frederick Cubitt, S. C. Wood, M. Boyd, John McLeod, William Thompson, Robert Magill, John Milne, John McDougall, John McClung, P. Murdoch, Henry Elliott, Sen., M. Davies, W. K. Burk, E. G. Power, Thomas Fowke, John Gray, R. Touchbourne, Porter Preston, together with such other persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated are hereby constituted and declared to be a body corporate and politic by the name of "The Bowmanville, Lindsay and Bobcaygeon Railway Company."

Corporate name.

Certain clauses of the Railway Act to apply to this Act. 2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments, with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Interpretation of the words "this Act."

Location of Railway. 3. The said company shall have full power under this Act to construct a railway from any point near or within the limits of the property of "the Port Darlington Harbour Company," in the Town of Bowmanville, in the County of Durham, through the Townships of Darlington, Clarke, Cartwright and Manvers, in the said County of Durham, and the Townships of Ops (through or near the Town of Lindsay), Emily and Verulam, in the County of Victoria, and the township of Harvey in the county of Peterborough, to the place known as Bobcaygeon, thence

thence to some point in the Crown Free Grant Lands, and the lands of the Canadian Land and Emigration Company, in the Counties of Victoria and Peterborough, and a branch from some point on the said line of railway through or near the Township of Fenelon, and thence through the Counties of Victoria, Ontario and Simcoe to some point on the Georgian Bay, at or near Parry Sound, and to carry the said railway through the Crown Lands lying between the points aforesaid.

4. The gauge of the said railway shall not be less than three feet six inches. Gauge of railway.

5. Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set out in the schedule "A" hereunto written, or the like, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof. Conveyances of lands to the company.
Registration thereof.
Registrar's fees.

6. From and after the passing of this Act, the Honourable John Simpson, Frederick Cubitt, S. C. Wood, M.P.P., M. Boyd, John McLeod, M.P.P., William Thompson, Robert McGill, John Milne, John McClung, John McDougall, P. Murdoch, Henry Elliott, Sen., M. Davies, W. K. Burk, E. G. Power, Thomas Fowke, John Grey, R. Touchbourne, Porter Preston, J. M. Williams, M.P.P., Robert B. Spinks, John Hughes, James Parr, George Kempt, M.P., George Dormer, Thomas Keenan, David Brown, John McLennan, William Needler, William McDonnell, James Junkin, William Cottingham, and George Bick, shall be the provisional directors of the said company. Provisional directors.

7. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, with power to fill vacancies occurring thereon; to associate with themselves thereon not more than three other persons, who upon being so named shall become and be directors of the company equally with themselves; to open stock books and procure subscriptions of stock for the undertaking; to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, and with all such other powers as under the Railway Act are vested in such boards: The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any person from subscribing who, in their judgment, would hinder, Powers of provisional directors.
Directors may exclude certain persons from subscribing for stock.

der, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said railway.

Capital stock. **8.** The capital of the company hereby incorporated shall be three hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act,) to be divided into six thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and for the other purposes of this Act; and until such preliminary expenses shall be paid out of the capital stock, the municipality of any county, town, township, or village on the line of such works, may pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall afterwards be refunded such municipality from the capital stock of the company, or be allowed to it in payment of stock; and all grants heretofore made by any municipal council for such expenses are hereby confirmed.

Ten per cent. to be paid on subscribing. **9.** On the subscription for shares of the said capital stock, each subscriber shall pay to the directors, for the purposes set out in this Act, ten per centum of the amount subscribed by him; and the said directors shall deposit the same in some chartered bank to the credit of the said Company, which money shall only be withdrawn for the purposes of the Company.

Calls on stock. **10.** Thereafter calls may be made by the directors for the time being, as they shall see fit, at intervals of not less than thirty days, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber.

General meeting for election of directors. **11.** As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank, having an office in the town of Bowmanville, (which shall on no account be withdrawn therefrom unless for the service of the company,) the directors shall call a general meeting of

of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

12. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five subscribers, who have so paid up ten per centum, and who are respectively subscribers for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

General meeting, how called, if the provisional directors neglect to call the same.

13. In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper published in the towns of Bowmanville and Lindsay, respectively, once in each week for four successive weeks; and such meeting shall be held in the town of Bowmanville, at such place therein, and on such day as may be named by such notice; At such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof with such proxies as may be present, shall choose nine persons to be directors of the company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Notice of the general meeting.

Election of directors.

14. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the town of Bowmanville, and on such days, and on such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the towns of Bowmanville and Lindsay respectively.

Annual meetings.

Notice thereof.

15. Special general meetings of the shareholders of the said company may be held at such places in the town of Bowmanville, and at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Special meetings.

16. Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

Scale of votes.

17. At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law;

Corporations, how represented at meetings.

law; and such person shall at such meeting be entitled equally with other shareholders to vote by proxy.

Alien and non resident shareholders.

18. Any shareholder in the said company whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company.

Qualification of directors.

19. No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon.

Quorum of directors.

20. Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Municipalities may aid the company.

21. And it shall further be lawful for any municipality or municipalities, or any portion of a municipality other than a county municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situated to aid and assist the said company by loaning or guaranteeing, or giving money by way of bonus or other means to the company, or issuing municipal bonds to or in aid of the company, and otherwise, in such manner, and to such extent as such municipalities, or any of them, shall think expedient; Provided always, that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers as provided in the Municipal Act for the creation of debts.

Such aid to be granted by by-law.

Apportionment of aid granted by municipalities.

22. Whenever any municipality or portion of a municipality other than a county municipality shall grant a bonus to aid the making, equipment and completion of said railway, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole or part of such bonus upon works of construction within the limits of the municipality granting the same, and that any iron for said railway purchased pursuant to such agreement, or paid for by means of the bonus granted by any municipality shall not be used for any other purpose than the laying down on the line of the Bowmanville, Lindsay and Bobcaygeon Railway, and that such iron shall not be liable to seizure under execution against the goods of the said railway company.

If a portion of a municipality desire to aid the council to pass a by-law.

23. In case fifty persons rated on the last assessment roll as freeholders, who may be qualified voters under the Municipal Act in any portion of a municipality other than a county municipality, do petition the council of such municipality to pass a by-law,

by-law, as hereinafter set forth, for the section of the municipality within which the property of the petitioners is situated, and which in the petition it shall be necessary to define by metes and bounds; and in the case of a county municipality if the majority of the reeves and deputy reeves do petition such municipal council; and in the case of any municipality other than a county municipality, if the reeve and deputy reeve thereof or fifty persons rated on the last assessment roll as freeholders, who may be qualified voters under the Municipal Act in such municipality, petition such municipal council to pass a by-law as hereinafter set forth, and express the desire of the petitioners to aid in the construction of the said railway by granting a bonus to the said company, and state the amount which they so desire to grant, and their willingness to be assessed therefor, the council of the municipality so petitioned, or of the municipality, a portion of which shall so petition as aforesaid, shall pass and submit such by-laws to be voted on by the ratepayers:—

(1.) For raising the amount so petitioned for by such freeholders, or such reeves and deputy reeves in such municipality or portion of the municipality other than a county municipality, by the issue of debentures of the municipality payable in twenty years or earlier, or by equal annual instalments of principal with interest, and for the delivery to the said trustees of the debentures for the amount of said bonus at the time and on the terms specified in said petition; for issuing debentures;

(2.) For assessing and levying upon all the ratable property lying within the bounds defined by such petitions an annual equal special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon, yearly or half yearly, which municipal councils are hereby authorized to execute and issue in such cases respectively; Provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven, and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chaptered fifty-one, by the majority of qualified electors voting thereon in the municipality or portion of a municipality petitioning as aforesaid. for assessing and levying a special rate.

24. Within six weeks after the passing of such by-law, the said council, warden, mayor, reeve, or other head thereof, and the other officers thereof shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act. By-law to be approved by electors.

25. In case any bonus be so granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of the municipality. Debentures to be issued within one month after the by-law is passed.

26. The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed Rate to be levied only on the portion of the municipality granting aid.

Municipal Acts to apply to the by-laws of the

municipalities. passed by or for a portion of a municipality to the same extent as if the same had been passed by or for the whole municipality.

By-laws
authorizing in-
creased annual
rate valid.

27. All the by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby, shall be valid although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar.

Town of Bow-
manville may
grant aid.

28. Notwithstanding the provisions of an Act passed in the twenty-third year of Her Majesty's reign, and intituled, "An Act to consolidate the debt of the Town of Bowmanville," it is hereby enacted that the corporation of the Town of Bowmanville may for the purpose of aiding in the construction of the said railway in any or all of the ways provided in its charter of incorporation or amendments thereto, issue debentures under the said in part recited Act to the extent of one hundred thousand dollars, and such debentures or any portion thereof so issued shall be subject to the same provisions as those authorized under the said recited Act; Provided always that the corporation of the said Town of Bowmanville shall not issue any debentures under this Act until a by-law or by-laws have been submitted to and received the assent of a majority of the duly qualified voters of those voting thereon, in conformity with the provisions of the Municipal Institutions Act of one thousand eight hundred and sixty-six, and furthermore, that the debentures hereby authorized shall be issued for the purposes of the said railway and no other.

Proviso;
By-laws to be
submitted to
the Electors.

Agreements
between Town
of Bowman-
ville and Port
Darlington
Harbour Co.

29. For the purpose of better enabling the municipality of the town of Bowmanville to aid in the construction of the said railway, it shall be lawful for the said municipality to conclude any agreement heretofore proposed or which may be hereafter proposed and agreed upon between the said municipality and the Port Darlington Harbour Company, for the purchase of the harbour, works and erections of the said Harbour Company, or whereby the said municipality, in the event of its aiding in the construction of the said railway, shall receive a portion of the dues and tolls to be collected by the said Harbour Company.

Municipalities
may exempt
Company from
taxes.

30. It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, for a term not exceeding ten years, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and

and for such term of years as such municipal corporation may deem expedient.

31. Any municipality which shall grant a bonus of not less than thirty thousand dollars in aid of the said company, shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be, in addition to all directors elected by shareholders, director in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

Certain Municipalities may appoint Directors.

32. Whenever any municipality, or portion of a municipality, shall grant a bonus to aid the said company in the building or equipping of the said railway, the debentures therefor shall within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely, George Haines, Esquire, of the town of Bowmanville, and Joseph R. Dundas, Esquire, of the town of Lindsay, and one to be named by the Lieutenant-Governor in Council; Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him, requesting the appointment of such trustee, the said company shall be at liberty to name one in the place of the one to have been named by said Lieutenant-Governor in Council.

Debentures to be delivered to Trustees.

33. Any of the said trustees may be removed, and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee die or resign his trust, to go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council.

Appointment of new Trustees.

34. The act of any two such trustees shall be as valid and binding as if the three had agreed.

Act of two Trustees to be binding.

35. The said trustees shall receive the said debentures in trust, firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some one of the chartered banks having an office in the Town of Bowmanville, in the name of "The Bowmanville, Lindsay and Bobcaygeon Railway Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road or portion of the road to be applied on the work so done; and

Trusts whereon the debentures are to be held.

and such certificates to be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificate by such engineer shall be a misdemeanor punishable by fine and imprisonment by any court of competent jurisdiction in the Province of Ontario.

Issue of bonds
by the Com-
pany.

Rights of
bondholders at
meetings.

Proviso; The
amount and
manner of is-
suing the
bonds.

Proviso;
Rights of
bond-holders
when interest
is in arrear.

Registration of
bonds.

Securities may
be made pay-
able to bearer.

Company may
make negoti-
able instru-
ments.

36. The directors of the said company after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of nine thousand dollars per mile; nor shall the amount of such bonds issued at any one time be in excess of the amount of municipal and other bonuses and paid up share capital actually expended in surveys, purchase of right of way, and in works of construction and equipment upon the line of the said railway, or materials actually purchased, paid for and delivered to the company within the Province of Ontario or Quebec; And provide I also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

37. All such bonds, debentures, mortgages, and other securities, and coupons, and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

38. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said

said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

39. It shall be lawful for the said company to enter into any agreement with any other railway company in the Province of Ontario for leasing the said railway or any part thereof to such other company; or for leasing or hiring from such other company any railway or part thereof; or for leasing or hiring any locomotives, tenders or moveable property; and generally to make any agreement or agreements with any such other company touching the use by one or the other, or by both companies, of the railway or moveable property of either or of both, or of any part thereof, or touching any service to be rendered by the one company or the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in the charter conferred: Provided that any lease or agreement authorized by this section shall be subject to the approval of two-thirds of the shareholders, obtained at a special general meeting convened according to the by-laws of the company for considering the same.

Agreements
with other rail-
ways.

40. The company shall have power to construct, purchase, charter and navigate scows, boats, sail and steam vessels on any lake, river or stream near to or touched by the railway for the purposes of traffic therewith.

Company may
construct
steamboats,
etc.

41. The said company shall have power to construct on any lake, river, or stream near to or touched by the railway such wharves, piers, warehouses or other works as may be required for the use of the said company.

Company may
construct
wharves, etc.

42. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable

Power to ac-
quire lands.

reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient.

Commence-
ment and com-
pletion of rail-
way.

43. The railway shall be commenced within two years and completed within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease, with respect to so much of the railway as then remains incomplete.

Carriage of
cordwood.

44. The said railway company shall at all times receive and carry cordwood or any wood or fuel at a rate not to exceed for dry wood three cents per mile per cord from all stations in full car loads; and for green wood at the rate of three cents per ton per mile; The company shall further at all times furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway; and shall provide so much ground for the storage and piling of cordwood free of charge, at every station excepting Bowmanville, as shall be deemed by the municipal council of the town of Bowmanville, sufficient for the trade in cordwood from each respective station.

Municipalities
may subscribe
for stock under
other Acts.

45. Nothing in this Act shall prevent any municipality from subscribing for stock of the company pursuant to the Railway Act or Municipal Act.

Telegraph
lines.

46. For the purpose of constructing, working and protecting the telegraph lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

SCHEDULE "A."

Know all men by these presents, that I, (or we) (*insert the name or names of the vendor or vendors*) in consideration of
dollars paid to me (or us) by the Bowmanville,
Lindsay and Bobcaygeon Railway Company, the receipt where-
of is hereby acknowledged, do grant and convey, and I (or we)
(*insert the name of any other party or parties*) in consideration
of
dollars paid to me (or us) by the said com-
pany, the receipt whereof is hereby acknowledged, do grant and
release all that certain parcel (or those certain parcels) (*as the*
case

case may be) of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of this railway to hold with the appurtenances unto the said Bowmanville, Lindsay and Bobcaygeon Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*); And I (*or we*) the wife (*or wives*) of the said _____ hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*)
 this _____ day of _____ one thousand eight
 hundred and _____.

Signed, sealed and delivered in the }
 presence of _____ } [L.S.]

SCHEDULE "B."

CHIEF ENGINEER'S CERTIFICATE.

The Bowmanville, Lindsay and Bobcaygeon
 RAILWAY COMPANY'S OFFICE,
 ENGINEER'S DEPARTMENT.

No. _____ A.D. 18 ____.

Certificate to be attached to cheques drawn on the
 _____ Railway Municipal Trust Account,
 and given under section _____ of cap. _____, Vic.

I, _____ chief engineer for the Bowmanville,
 Lindsay and Bobcaygeon Railway, do hereby certify that there
 has been expended in the construction of mile No. _____ (the
 said mileage being numbered consecutively from the boundary
 of the Town of Bowmanville), the sum of _____
 dollars to date, and that the total *pro rata* amount due for the
 same from the said Municipal Trust Accounts amounts to the
 sum of _____ dollars, which said sum of
 _____ dollars is now due and payable as provided under
 said Act.

CAP. LXIII.

An Act to legalize a certain By-Law passed by the Corporation of the Town of Galt, and to enable the said Corporation to obtain certain powers to construct a Railway from the Village of Doon to the said Town of Galt, and to give power to the Corporation of the Village of Waterloo to construct a Railway from the Grand Trunk Railway in Berlin to said Village.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the corporation of the Town of Galt has entered into the agreement set forth in schedule B to this Act, with the Grand Trunk Railway Company of Canada; And whereas the said corporation also passed a by-law number two hundred and eleven, a copy whereof is set forth in the schedule A of this Act, which by-law, before the final passing thereof, received the assent of the electors of the said municipality as required by the statute in that behalf, and doubts are entertained as to the validity of such by-law; And whereas also the said corporation of the Town of Galt have petitioned that power be granted them to authorize their entering into said agreement and to confirm the same, and also that the said by-law and the debentures to be issued and powers thereunder may be legalized and confirmed; And whereas the corporation of the Village of Waterloo, in the County of Waterloo, has also petitioned for power to authorize the said village municipality to grant aid to the said Railway Company, for the purpose of an extension of the said railway from the Town of Berlin to the said village.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 211
of the town of
Galt confirmed.

1. The said by-law and the powers therein contained as to raising and application of moneys or otherwise, and the debentures to be issued thereunder, are hereby confirmed and made valid; and the moneys to be raised thereunder may be applied by the said corporation to make the provision referred to in the preamble of such by-law.

Town of Galt
empowered to
construct rail-
way referred to
in agreement
with Grand
Trunk Co.

2. The said corporation of the Town of Galt is hereby authorized to carry out and perform so much of the said agreement in the schedule B, and of the matters therein referred to, which are to be carried out and performed by or on the part of the said municipal corporation, or which constitute conditions precedent to be performed by the said corporation, whether as to building, acquiring right of way on either of the two surveys in such agreement referred to, providing station buildings,

buildings, or otherwise; and to the exercise of and the carrying out the powers hereby conferred on the said corporation, the following sections of "the Railway Act" shall, as far as applicable and consistent with this Act, apply in favour of the said corporation to the extent following, that is, the third, fifth and sixth sections thereof, and those headed respectively "interpretation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," and "fences;" also sections numbered respectively eighty-four, eighty-five and ninety.

3. After performance by the said corporation of the matters in the said agreement referred to by it to be performed as conditions precedent, or after partial performance thereof, the said corporation may sell for a nominal or other consideration, or from time to time lease for any number of years to the said railway company, the property the said corporation is hereby authorized to acquire and construct, or any part thereof, and on such terms and conditions it may think fit.

Power to town
to sell or lease.

4. The corporation of the village of Waterloo is hereby authorized to construct the said line of railway from the Grand Trunk Railway in the town of Berlin to the village of Waterloo; and in the execution of the powers aforesaid may exercise all the powers contained in the Railway Act in the third, fifth and sixth sections thereof, and those headed respectively "powers," "plans and surveys," "lands and their valuation," "highways and bridges," and "fences;" also sections numbered respectively eighty-four, eighty-five and ninety.

Village of Waterloo authorized to construct railway from Berlin to Waterloo.

5. For the purpose of constructing the proposed line of railway from the Grand Trunk Railway within the town of Berlin to the village of Waterloo, it shall be lawful for the village of Waterloo to raise upon the debentures of the said corporation of the village of Waterloo (which it is hereby authorized to issue), not more than twenty-five thousand dollars, and to expend the same in the construction and completion of the said railway; Provided that no such money shall be raised or debentures issued except upon a by-law or by-laws duly passed for that purpose by the said corporation of the village of Waterloo, in conformity with the provisions of the Act respecting Municipal Institutions.

Village of Waterloo may raise \$25,000.

6. It shall be lawful for the corporation of the said village of Waterloo and the corporation of any other municipality through any part of which, or near to which, the said proposed line of railway shall pass from Berlin to Waterloo, or which may be benefited thereby, to aid and assist the said corporation of the village of Waterloo, proposing to construct said line from the Grand Trunk Railway in the town of Berlin to the village of Waterloo aforesaid.

Power to municipalities to aid.

Village of
Waterloo may
sell or lease.

7. The said corporation of the village of Waterloo may sell for a nominal or other consideration, or from time to time lease for any number of years to the Grand Trunk Railway of Canada, the property the said corporation is hereby authorized to acquire and construct, or any part thereof, upon such terms and conditions as it may think fit.

Conveyances.

8. The conveyances of lands required for the purposes of the said extensions and constructions may be made to the said municipal corporations of the town of Galt, and of the said village of Waterloo respectively (*as the case may be*), in the form or to the effect set out in schedule C of this Act; and no registrar shall be entitled to more than seventy-five cents for registry thereof, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Registry.

This Act con-
fined to au-
thority to said
town and vil-
lage.

9. This Act shall be construed not to confer any powers upon the Grand Trunk Railway Company of Canada to enter into the agreement in schedule B, or any other power, but solely to apply to the said municipal corporations of the town of Galt and of the village of Waterloo respectively.

SCHEDULE "A."

BY-LAW No. 211.

A BY-LAW TO RAISE BY WAY OF LOAN THE SUM OF TWENTY-FIVE THOUSAND DOLLARS FOR THE PURPOSES THEREINAFTER MENTIONED.

Whereas the branch line of the Grand Trunk Railway from Berlin hath for a number of years past terminated at the village of Doon, and it has been considered of vital importance to the present and future prosperity of Galt that some exertion be made to have the said branch extended into the Town of Galt, and very material aid having been promised to the municipality by C. J. Brydges, Managing Director of the Grand Trunk; therefore to enable the municipal council of the Town of Galt to make provision for all necessary preliminary arrangements, the purchasing of the right of way, building bridges, culverts, and cattle guards, drains and fencing, and whatever is necessary to make and prepare the said road ready for the ties it will be necessary for the said municipal council to raise the sum of twenty-five thousand dollars in the manner hereinafter mentioned; And whereas, it will require the sum of two thousand two hundred and fifty dollars to be raised annually by special rate for the payment of the said loan and interest thereon as also hereinafter mentioned; And whereas, the amount of the whole ratable property of the said municipality irrespective of any future increase of the same and irrespective of any interest in

or from the said road and also irrespective of any income to be derived from the temporary investment of the sinking fund hereinafter mentioned or any part thereof according to the last revised assessment roll of the said municipality, being for the year one thousand eight hundred and seventy, was nine hundred and eighteen thousand four hundred and thirty-seven dollars; And whereas the amount of the existing debt of the said municipality is as follows :—Principal, the sum of sixty-seven thousand and fifty-three dollars, and interest the sum of four thousand one hundred and seventy-three dollars, making in the aggregate the sum of seventy-one thousand two hundred and twenty-six dollars, of which interest there is none in arrear; And whereas for paying the interest and creating an equal yearly sinking fund for paying the said sum of twenty-five thousand dollars and interest as hereinafter mentioned it will require an equal annual special rate of one quarter of a cent on the dollar in addition to all other rates to be levied in each year;

Be it therefore enacted by the municipal council of the Town of Galt duly convened and acting under authority of the Canada Municipal Corporation Acts and it is hereby enacted by authority of the same :—

Sec. 1. That it shall be lawful for the mayor to raise by way of loan from any person or persons, body or bodies corporate, who may be willing to advance the sum upon the credit of the debentures hereinafter mentioned, a sum of money not exceeding in the whole the sum of twenty-five thousand dollars and to cause the same to be paid into the hands of the treasurer for the purpose and with the object above recited.

Sec. 2. That it shall be lawful for the said mayor to cause any number of debentures to be made for such sums of money as may be required, not less than one thousand dollars each, and that the said debentures shall be sealed with the seal of the said municipal council and be signed by the said mayor.

Sec. 3. That the said debentures shall be made payable in twenty years from the day hereinafter mentioned for this by-law to take effect at the office of the treasurer of the said municipality and shall have attached to them coupons for the payment of interest.

Sec. 4. That the said debentures shall bear interest at and after the rate of six per cent. per annum from the date hereof, which interest shall be payable half-yearly on the day of in each and every year at the office of the treasurer.

Sec. 5. That for the purpose of forming a sinking fund for the payment of the said debentures and the interest at the rate aforesaid to become due thereon an equal special rate of one quarter

quarter of a cent in the dollar shall in addition to all other rates be raised, levied and collected in each year upon all the ratable property in the said municipality during the continuance of said debentures or any of them.

Sec. 6. That this by-law shall take effect and come into operation upon the day of , one thousand eight hundred and seventy-one.

That the votes of the qualified electors of the town will be taken hereon on the fourth day of July, A.D. 1871, commencing at the hour of ten o'clock in the forenoon in the various wards of the said municipality at the places therein and hereinafter mentioned, viz:—

Ward No One—Mr. Date's old office.
 Ward No. Two—town hall.
 Ward No. Three—Mr. Ker's storehouse.
 Ward No. Four—Mr. R. Blain's office.
 Ward No. Five—A. Malcolm's cabinet warehouse.

And that the following persons shall be returning officers in said wards for the purpose of taking the votes;—

Ward No. One—Henry McCrum.
 Ward No. Two—Alex. Addison.
 Ward No. Three—James Dalglish.
 Ward No. Four—David Blyth.
 Ward No. Five—Andrew Malcolm.

In testimony whereof the municipal corporation of the Town of Galt have caused the seal of the said corporation to be affixed thereto and these presents to be signed by the mayor and countersigned by the clerk of the said municipality.

SCHEDULE "B."

This agreement made the thirtieth day of November one thousand eight hundred and seventy-one between the Grand Trunk Railway Company of Canada, of the one part, and the corporation of the Town of Galt, in the County of Waterloo, and Province of Ontario, of the other part.

Whereas the corporation of the Town of Galt are desirous of forming a connection with the Berlin branch of the said Grand Trunk Railway Company at the village of Doon, in the said County of Waterloo; And whereas on the fourth day of July last past a by-law was passed by the said corporation (the freeholders and householders by a majority having by their votes authorized the same) by the municipal council thereof intituled

"A

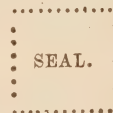
“A By-law to raise by way of loan the sum of twenty-five thousand dollars for the purposes therein mentioned;” And whereas an agreement was entered into between C. J. Brydges, Esquire, as Managing Director of the Grand Trunk Railway for such railway company, and Adam Ker, esquire, as Mayor of the said corporation of the Town of Galt, to the following effect, namely:—

That so soon as the said corporation of the Town of Galt or any number of individuals appointed on their behalf shall have obtained a charter authorizing the building and continuing of such railway connection from Doon to Galt and the right of way through the intervening lands shall have been acquired and fenced in, together with whatever bridges, culverts and cattle guards as are necessary shall have been built and made and the road-bed formed and the necessary station buildings provided at Galt, said Grand Trunk Railway Company promise and covenant that so soon as the said work shall have been performed and the said charter secured they will at their own cost furnish the necessary ties and rails and lay the track and work or run the said railway branch at their own cost and expenses and also that the said railway branch shall when completed be run by at least one passenger train each way per day between Galt and Toronto and a sufficient number of freight cars or trains supplied equal to the accommodation and business requirements of the said Town of Galt.

And it is hereby further agreed between the said contracting parties hereto that the Corporation of the Town of Galt may adopt either of the two surveys (designated as the “upper and lower levels”) which have been made of the said branch line of road from Doon to Galt which they may find to be the best suited to their interests.

In witness whereof the said Grand Trunk Railway Company of Canada and the corporation of the said Town of Galt have hereunto caused to be affixed their respective seals, the day and year above written, opposite to which their duly authorized officers have subscribed their names.

(SD.) C. J. BRYDGES,
MANAGING DIRECTOR
G. T. R. Co.



SCHEDULE “C.”

Know all men by these presents that I, _____ of
in pursuance of the Act respecting short forms of
conveyances _____ in

3. The company may commence operations and exercise the powers hereby granted, so soon as one-third of the capital stock shall be subscribed, and twenty per centum thereon paid up; but the said company shall commence the construction of the said Railway within one year, and complete the same within two years from the passing of this Act.

Commence-
ment and com-
pletion of the
work.

4. The company are hereby authorized and empowered to construct, maintain, complete, and from time to time remove and change a double or single iron Railway with the necessary side tracks, switches and turnouts for the passage of cars, carriages and other vehicles adapted to the same, from any part of the town of Sandwich aforesaid, to any part of the town of Windsor aforesaid, and to continue the same to any part of the village of Walkerville in the said county; and to take, transport and carry passengers and freight upon the same by the power and force of animals, or by any other motive power they may see fit to adopt; and to construct and maintain all necessary works, buildings, appliances and conveniences therewith connected; and to use and occupy such of the streets and highways and bridges, if any, of the said places, as may be required for the purposes of their Railway track and the laying of their rails, and the running of their cars and carriages; Provided that the streets of the said towns of Sandwich and Windsor not being part of the gravel road hereinafter mentioned, shall not be so occupied unless by the permission of the municipal councils of those towns, expressed by by-law, which shall regulate the same; Provided also, that should the said company see fit to construct any part of their said Railway along the line of the Sandwich and Windsor gravel road, which they are hereby empowered to do, they shall compensate the owners of the said gravel road for any encroachment thereon by which the said gravel road shall be injuriously affected, in the same manner and by the same means as are in this section provided in respect of any other owners or occupiers of lands to be taken for the purposes of the said Railway; Provided that should the said company see fit to construct their said Railway by any other route than the said gravel road, or by any other than a street or highway, then the said company is hereby empowered to purchase, acquire, have, hold and transfer and convey any lands and real estate which may be required for the purposes of their Railway track, and the laying of their rails, and the running of their cars and carriages and the construction of their road, making compensation to the owners and occupiers of the said lands and real estate; and the proceedings for such acquisitions, holding, and compensation, whether by agreement, or where parties are unwilling or unable to sell and convey, or in any other case, shall, as nearly as possible, conform to and be the same as the provisions in those respects of the Act of the Parliament of the Province of Canada, chaptered sixty-six, in the Consolidated Statutes of Canada, entitled "An Act respecting Railways."

Line of the
company's
railway.

Occupation of
highways.

Proviso.

Proviso.

Proviso.

Rails how to
be laid.

5. The rails of their Railway shall be laid flush with the street and highway, and the Railway track shall conform to the grades of the same so as to offer the least possible impediment to the ordinary traffic of the said street and highway; and the gauge shall be such that the ordinary vehicles now in use, may travel on the said tracks, which it shall and may be lawful for them to do, provided they do not interfere with, or impede the running of the cars of the company, and in all cases, any carriage or vehicle on the track shall give place to the cars by running off the track.

Gauge.

Board of Di-
rectors.

6. The affairs of the company shall be under the control of, and shall be managed and conducted by a board, to consist of seven directors; each of whom shall be a stockholder to an amount of not less than five hundred dollars; and shall be elected on the second day of January of every year, at the office of the company; and all such elections shall be by ballot, by plurality of the votes of the stockholders present; each share to have one vote, and stockholders not personally attending, may vote by proxy; and the directors so chosen, shall as soon as may be, elect one of their number to be president; and directors shall continue in office one year, and until others shall be chosen to fill their places; and if any vacancy shall at any one time occur in the office of president or director, the remaining directors shall fill up such vacancy for the remainder of the year.

Election.

Term of office.

Vacancies.

First directors.

7. James Frazer, Henry Kennedy, John B. Gauthier, William McGregor, William B. Hirons, Thomas H. Wright, and Henry McAfee, shall be the first directors of the company; and shall severally hold their offices until the second day of January, one thousand eight hundred and seventy-three, and until their successors are appointed.

Powers of
Board of Di-
rectors.

8. The directors of the company shall have power and authority to make, amend and repeal, and re-enact all such by-laws, rules, resolutions and regulations, as shall appear to them proper and necessary touching the well-ordering of the company; the number of directors; the acquirement, management and disposition of its stock, property and effects, and of its affairs and business; the entering into arrangements and contracts with the said towns or adjoining municipalities; the declaration and payment of dividends out of the profits of the said company; the form and issuing of stock certificates; the calling of special and general meetings of the company; the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the company; the fares to be received for passengers and freight transported over the railway, or any part thereof; the intervals of time in running each car; the time within which on each day the cars shall be run; the speed of running the same; and in general to do all that may be necessary to carry out

out the objects and exercise the powers incident to the company so that such regulations shall not conflict with existing laws.

9. The stock of the company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct. Stock to be personalty.

10. The company may purchase, lease, hold, acquire and transfer all real and personal estate necessary for carrying on the operations of the company. Real estate, &c.

11. If the election of directors be not made on the day appointed by this Act, the company shall not for that reason be dissolved, but the stockholders may hold the election on any other day, in the manner provided for by any by-law passed for that purpose; and all the acts of directors, until their successors shall be elected, shall be valid and binding on the company. Failure of elections provided against.

12. The directors of the company may from time to time raise or borrow for the purposes of the company, any sum or sums not exceeding in the whole twenty thousand dollars, by the issue of bonds or debentures, in sums of not less than one hundred dollars, on such terms as they may think proper; and may pledge or mortgage all the property, and the tolls and income of the property, or any part thereof, for the re-payment of the money so raised or borrowed; and the payment of interest thereon; Provided always, that the consent of three-fourths in value of the stockholders of the company, shall be first had and obtained at a special meeting to be called and held for that purpose; Provided also, that the said company shall not be authorized at any time to borrow a sum exceeding the amount of the capital stock then paid up. Issue of Debentures. Proviso. Proviso.

13. The said towns of Sandwich and Windsor, and the adjoining municipalities in Ontario, are respectively authorized to make and to enter into any agreements or covenants with the said company, relating to the macadamizing, repairing and grading the street and highway, and the construction, opening and repairing of drains and sewers, and the laying of gas and water pipes in the street and highway to be traversed by the said Railway; the non-obstructing or impeding of the ordinary traffic; and also to the construction and equipment of the said Railway along and upon any other street, and along any other route than the one herein described. Agreements with municipalities.

14. The said towns and the said municipalities are hereby authorized to pass any by-law or by-laws, and to amend or repeal the same, for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, relating thereto, and for the enjoining obedience thereto; By-laws to carry out agreements.

thereto ; and for the facilitating the running of the company's cars ; and for regulating the traffic and conduct of all persons travelling upon the street and highway through which the said Railway may pass.

CAP. LXV.

An Act to enable the Council of the Corporation of the Township of Logan, in the County of Perth, to pass a By-law repealing certain By-laws of the said Township, and to make provision for payment of certain Debentures of the united Townships of Logan, Elma and Wallace.

[Assented to 2nd March. 1872.]

Preamble.

WHEREAS the council of the corporation of the United townships of Logan, Elma and Wallace, on the thirtieth day of August, in the year of our Lord one thousand eight hundred and fifty-six, passed a By-law, numbered forty-seven, to raise by way of loan for gravel road purposes, a sum of forty-four thousand dollars, and issued debentures for the said amount which are still out-standing, payable on the first day of August in the year of our Lord one thousand eight hundred and seventy-six; and such by-law provided for levying yearly in such townships, a certain rate for payment of the interest on such debentures, and for levying in the year of our Lord one thousand eight hundred and seventy-five, a sum sufficient to pay the principal; and whereas, each of the said townships is now a separate municipality; and by agreement made between them, the township of Logan assumed the payment of twenty-three thousand five hundred dollars, part of the said debt and interest; and the township of Elma assumed the payment of the remainder thereof and interest; and the Council of the township of Logan, on the twelfth day of January, in the year of our Lord one thousand eight hundred and sixty-seven, passed a by-law numbered one hundred and five, providing for a sinking fund for the payment of its share of said debt; and the Council of the said corporation have, by their petition, set forth that they have now invested as part of the funds of the said corporation, and applicable to the payment of the said debentures, the sum of twenty-four thousand and fifty dollars which is secured by the following debentures of other municipalities, that is to say:—

1. Debentures of the corporation of the Village of Mitchell, dated ninth September, one thousand eight hundred and sixty-seven, for two thousand and fifty dollars, bearing interest at six per cent.;

2. Debentures of the corporation of the Village of Mitchell, dated twenty-second August, one thousand eight hundred and sixty-eight,

sixty-eight, for six thousand dollars, bearing interest at seven per cent. ;

3. Three debentures of the corporation of the Township of Fullarton, dated first May one thousand eight hundred and seventy-one, for one thousand dollars each, bearing interest at six per cent. ;

4. Debenture of the corporation of the Township of Downie, dated nineteenth September, one thousand eight hundred and seventy-one, for three thousand dollars, bearing interest at seven per cent. ;

5. Debenture of the corporation of the County of Perth, dated the second of November, one thousand eight hundred and seventy, for ten thousand dollars, bearing interest at eight per cent. ;

And whereas, the receipts from investments of the said sum and other sources are more than sufficient to pay the interest on the said debt and all other engagements of the said corporation ; and that the levying of the rate under the said by-law, numbered forty-seven, in the said township of Logan, and the payments into the sinking fund under the said by-law numbered one hundred and five, are no longer necessary and are grievous burdens upon the ratepayers of the township ; And the said petitioners pray for an Act enabling them to pass a by-law, giving such relief as they require in the premises ; and it is expedient so to grant ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. That the debentures in the preamble mentioned and held by the corporation of the Township of Logan are hereby set apart as a special fund for the payment of said debentures and issued by the said united Townships of Logan, Elma and Wallace, in order to meet the liability of the corporation of the Township of Logan in respect thereof ; and such firstly mentioned debentures shall be deposited to a special account in the Bank of Toronto, in the City of Toronto, to the joint credit of the Treasurer of the Province of Ontario and the Treasurer of the Township of Logan ; and any sums payable upon the said firstly mentioned debentures shall be applied to the payment of the interest and principal upon the said secondly mentioned debentures and not otherwise ; and thereupon the council of the corporation of the said Township of Logan may, and they are hereby authorized to pass a by-law repealing the said by-law number forty-seven of the United Townships of Logan, Elma and Wallace so far as the said Township of Logan is concerned and repealing the said by-law number one hundred and five, of the said township of Logan ; Provided always, that the said corporation of the said Township of Logan shall remain and continue liable in respect of the said debentures until they are fully paid and satisfied.

Provisions as to debentures held by Township of Logan.

Power to repeal by-law of Township.

Proviso.

Form of by
law.

2. The said by-law shall recite the amount to the credit of the said sinking fund at the time of the passing thereof, and shall set forth in detail the sources from which the same has been derived, with the amount of the fund invested as hereinbefore stated and the securities held therefor, distinguishing the principal of the fund from the interest received from investments, and from annual or other periodical payments from other sources; and it shall recite the amount of interest or other periodical sums payable to the said fund up to the said first day of August, in the year of our Lord one thousand eight hundred and seventy-six, with the times and sources of payment.

CAP. LXVI.

An Act to enable the Corporation of the Village of Orillia, in the County of Simcoe, to dispose of certain lands.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the lands hereinafter described were, on the nineteenth day of November, in the year of our Lord one thousand eight hundred and fifty-three, granted by the Crown to the municipal council of the Township of Orillia in the County of Simcoe their successors and assigns "In trust for the site of a Market;" And whereas in the year of our Lord one thousand eight hundred and sixty-six by by-law of the council of the municipality of the County of Simcoe, dated the twenty-second day of November, in that year, the village of Orillia, then forming part of the said Township of Orillia, was duly incorporated, and the said land so granted as aforesaid being within the limits assigned to the said village became the property of the said village in trust as aforesaid; And whereas the said municipality of the village of Orillia have, by their petition, represented that the said lands so granted by the Crown are in an unsuitable position for the site of a market, being far removed from most of the principal roads leading to the said village and from the business and populous part thereof, and therefore wholly unsuited for the purpose for which they were so granted by the Crown; and have prayed for an Act to enable them to sell the said lands as they deem most advisable for the best interests of the said village, and to apply the proceeds in the purchase of a more suitable site for a market, and if more than sufficient for that purpose, in the erection of suitable market buildings, or for other municipal purposes; that the said lands consist of lots sixteen, seventeen, eighteen, nineteen and twenty on the north side of Tecumseth street, and of lots sixteen, seventeen, eighteen, nineteen and twenty on the south side of Brant street, in the said village, as shown on the

Indian

Indian survey, and forming a block of five acres known as the market block ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. That notwithstanding anything in the said grant contained the municipal council of the village of Orillia shall have the same power to sell, convey, and absolutely dispose of the said lands and every part thereof as any subject of Her Majesty has in regard to land possessed by him in fee simple absolute, free from the said recited trust. Power to sell the lands.

2. Every disposition of or contract in regard to the said lands, or any part thereof shall be under the seal of the said corporation and signed by the head and clerk thereof for the time being. Execution of conveyances.

3. The proceeds of any and every disposition by the said corporation of the said lands under this Act shall be held and applied by it in the purchase of a more suitable site for a market ; and if more than sufficient for that purpose, in the erection of suitable market buildings or for other municipal purposes : Provided however that before any portion of the proceeds of the sale of the said lands shall be expended in the purchase of a new market site, the said municipal council shall submit the location thereof to a vote of the ratepayers of the village entitled to vote for municipal councillors ; and the said council shall appoint the time, place, and returning officer, for the taking of the said vote, and shall cause a notice thereof to be inserted in any newspaper or newspapers published in the municipality, for at least two weeks previous to the day appointed for taking such vote, in addition to any other means of making known the time and object of said voting, as the said council shall think proper to adopt. Application of the moneys. Proviso as to vote for new market site.

CAP. LXVII.

An Act to authorize the Corporation of the City of Ottawa to mortgage the By Ward Market property and other property therein mentioned, for the purpose of acquiring certain lands for the extension of the said Market.

[Assented to 2nd March, 1872.]

WHEREAS by an Act of the Legislature of this Province, Preamble.
passed in the thirty-fourth year of the Reign of Her present Majesty, chaptered sixty-six, the corporation of the City of
Ottawa

Ottawa are authorized to acquire and hold lots numbers eight and nine, and the west half of lot number ten, on the north side of George street, and lots numbers eight and nine, and the west half of lot number ten, on the south side of York street, in the City of Ottawa, for the enlargement of the Byward market: And whereas, the corporation of the City of Ottawa have by their petition set forth that it is expedient to raise by way of loan on mortgage of the Byward market property, and the tolls and revenues of the said market, and also of such of the said lands as they shall acquire for the enlargement of the said market under the said Act, a sufficient sum of money to pay for the said lots of land which they are by the said Act authorized to acquire, and have prayed that they may be enabled so to do, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to borrow and mortgage.

1. That the corporation of the City of Ottawa aforesaid are hereby authorized and empowered to raise by way of loan from any person or persons, body or bodies corporate, who may be willing to advance the same, such sum and sums of money as the council of the said corporation shall deem expedient and necessary for the purpose of paying the purchase money on the said lots of land so authorized to be acquired by them for the enlargement of the said Byward market by the said Act, and at such rate of interest as the council shall agree upon, and for security thereof and the interest thereon to grant, mortgage, and assure the land belonging to the said corporation held by them for the said Byward market and the market itself, and the tolls, revenues, rents and issues thereof, and also the said lands so authorized to be acquired for the enlargement of the said market when so acquired by them.

CAP. LXVIII.

An Act to enable the Corporation of the City of Hamilton to close certain streets in the said City, and to vest the same in the Corporation of the City of Hamilton.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the Corporation of the City of Hamilton have by their petition prayed that the street known as Walter street, and so much of Sophia street as lies between Head street and the rear line produced of sub-division lot number twenty, on Galt street, in the plan or survey made by the late Sir Allan Napier MacNab, upon part of lot number eighteen

eighteen in the second concession of Barton, may be closed and the same vested in the corporation, their successors and assigns; And whereas it is to the public benefit that such streets should be closed; And it is expedient to grant the prayer of the said petition:

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said street known as Walter street, and so much of Sophia street as lies between Head street and the rear line produced of sub-division lot number twenty, on Galt street, are hereby declared to be closed, and the soil and freehold thereof for ever vested in the Corporation of the City of Hamilton, their successors and assigns.

Walter and
part of Sophia
streets closed.

2. The Corporation of the City of Hamilton may sell and convey the said land or any part thereof in fee simple.

City may sell
the land.

CAP. LXIX.

An Act to close "Rosina Street," in the Town of Dundas, in the County of Wentworth, and to vest the same in the Corporation of the Town of Dundas.

[Assented to 2nd March, 1872.]

WHEREAS the Corporation of the Town of Dundas have, by their petition, prayed that a highway in the said Town of Dundas, known as "Rosina Street," may be closed, and the same vested in the said "The Corporation of the Town of Dundas," and their successors in office or assigns, and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The highway called "Rosina Street," in the said Town of Dundas, running easterly from Main Street until it intersects West Street, is hereby declared to be closed, and the soil and freehold thereof forever vested in "The Corporation of the Town of Dundas," their successors in office and assigns.

Part of Rosina
street closed.

2. The said Corporation of the Town of Dundas, or their successors in office, may sell and convey the portion of the said street so closed, or any part thereof, in fee simple.

Corporation
may sell Ro-
sina street.

CAP. LXX.

An Act to authorize the Corporation of the Town of Dundas, to pass a By-law exempting Messrs. Young, Law & Co. from payment of Municipal Taxes for a certain period, and on certain property and machinery therein mentioned.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS The Corporation of the Town of Dundas hath, by petition, prayed that it may be empowered to pass a by-law exempting Messrs. Young, Law & Co. from payment of municipal taxes for the period of twenty-one years on any addition which they may build to their present cotton factory in Dundas, and any machinery used therein; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Certain property of Messrs. Young, Law & Co., may be exempted from taxation.

1. That The Municipal Council of the Town of Dundas is hereby empowered to pass a by-law, at any regular sittings of the said council to be held hereafter, exempting Messrs. Young, Law & Co., or any future owners or proprietors for the time being of the said cotton factory, or their lessees or tenants, from payment of municipal taxes for the period of twenty-one years from the passing of this Act, on any addition which they may hereafter build to their said cotton factory in Dundas, and on the machinery to be used and employed by them or any of them in such addition; but nothing in this Act shall exempt from taxation any building at present erected, or machinery employed therein, and which may be used in connection with the said addition to be built to the said cotton factory.

CAP. LXXI.

An Act to enable the Municipality of the Town of Peterborough to aid by way of bonus, or otherwise, in the establishment of manufactures in or about the Town of Peterborough, and in the construction of Water-works for the said Town of Peterborough, and for other purposes.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS by the Act of the Parliament of the late Province of Canada, passed in the twenty-fourth year of Her Majesty's reign, intituled "An Act to consolidate the debt

debt of the Town of Peterborough, and to authorize the issue of debentures on the security of the town property, and for other purposes;" it was amongst other things enacted that for the purpose and in the manner therein mentioned, and to the amount thereby limited, it should be lawful for the commissioners therein named, to issue debentures under the seal of the corporation of the town of Peterborough, to be signed by the mayor thereof, and countersigned by the treasurer thereof, and by the secretary of the said commissioners; and that the council of the said town, should annually, upon the application of the said commissioners, raise and levy upon the ratable property of the said town, the interest and sinking fund requisite for the ultimate redemption of such debentures; and that it should not be lawful for the said town of Peterborough to incur any further liability except for current expenses, without the sanction of the legislature: And whereas, the town council of the town of Peterborough, have preferred a petition setting forth, that the municipality is desirous of aiding by way of bonus in the promotion of manufactures in and about the said town of Peterborough; that the said municipality is desirous of aiding in the construction and maintenance of water-works for the said town of Peterborough; and that the said municipality is desirous by the issue of debentures therefor to provide for the payment of one moiety of the cost of an iron bridge over the river Otonabee, and connecting the said town of Peterborough with the village of Ashburnham, in the county of Peterborough: And whereas it is expedient to comply with the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall and may be lawful for the municipality of the town of Peterborough, to aid by way of bonus, the promotion of manufactures in or about the said town of Peterborough, by granting such sum or sums of money not exceeding in the whole the sum of forty thousand dollars to such person or persons, or body or bodies corporate, as to such municipality may seem meet, and in aid of such branch or branches of industry as the said municipality may determine upon; and to pay such sum or sums either in one sum, or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said municipality may deem expedient.

Municipality
may aid
manufactories,

2. It shall and may be lawful for the said municipality to take and receive of and from any such person or persons, body or bodies corporate, that may receive any such aid, such security as to such municipality may seem meet for the compliance with the terms and conditions upon which any such aid may be given.

and take se-
curity for
expenditure,

3. It shall and may be lawful for the said municipality to

N

and issue
debentures.
cause

cause to be issued from time to time as occasion may require, debentures of the said municipality sufficient for the purposes hereinbefore mentioned; and such debentures shall be issued, and redeemable as provided in and by the said recited Act: **Proviso.** Provided however, that no such debenture or debentures shall be so issued, and no moneys paid or agreed to be paid for any such purpose, until a by-law authorizing the same, shall have been submitted to and approved by the rate-payers of the said town of Peterborough, in the same manner as with money by-laws requiring the assent of the rate-payers.

By-law in favour of Paton and Moir confirmed.

4. A certain by-law of the said municipality of the town of Peterborough, heretofore introduced into the town council of the said municipality and passed through the second reading thereof, on the twenty-ninth day of January, one thousand eight hundred and seventy-two, providing for the issue of debentures towards granting a bonus to Messieurs Paton and Moir, to encourage the said Messieurs Paton and Moir in the promotion of manufactures in or near the said town of Peterborough, shall as to the several provisions therein contained, be valid and binding upon the said municipality and all parties concerned: **Proviso.** Provided the same shall have been approved by the rate-payers of the said municipality, in the same manner as with money by-laws requiring the assent of the rate-payers; and provided further that the sum proposed to be granted in and by such by-law, shall be considered as a part and parcel of the said sum of forty thousand dollars hereinbefore mentioned.

Power to aid waterworks.

5. It shall and may be lawful for the municipality of the town of Peterborough to aid and assist in the construction of water-works for the said town of Peterborough, either by granting a bonus payable in one sum, or in annual or other periodical payments, and subject to such terms, conditions and restrictions as the said municipality may insist upon, to any person or persons, body or bodies corporate, as may enter upon the construction of the same, or by subscribing for and becoming a stockholder in any incorporated company, that is or may be formed for the purpose of the construction of such water-works, or partly in one way or partly in another: **Proviso.** Provided however, that such bonus or stock, or bonus and stock shall not exceed in the whole the sum of forty thousand dollars.

Security for aid given.

6. It shall and may be lawful for the said municipality of the town of Peterborough, to take and receive of, and from any such person or persons, body or bodies corporate, that may receive any such aid by way of bonus, such security as to such municipality may seem meet for the compliance with the terms and conditions upon which any such aid may be so given.

Power to issue debentures on waterworks.

7. It shall and may be lawful for the said municipality to cause to be issued from time to time, debentures of the said municipality sufficient for the purposes named in the fifth section of

of this Act, such debentures to be issued and redeemable as Proviso. provided in and by the said recited Act: Provided however, that no such debenture or debentures shall be issued, and no moneys paid or agreed to be paid for the purposes named in the fifth section of this Act, until a by-law authorizing the same shall have been submitted to and approved by the rate-payers of the said town, in the same manner as with money by-laws requiring the assent of the rate-payers.

8. It shall and may be lawful for the municipality of the town of Peterborough, to cause to be issued debentures of the said municipality, to an amount not exceeding the sum of five thousand dollars, for the purpose of defraying a moiety of the cost of an iron bridge over the river Otonabee, between the said town of Peterborough and the village of Ashburnham, in the said county of Peterborough, on the site of the bridge recently destroyed by fire; such debentures to be issued and redeemable in the manner designated by the said recited Act. Power to issue debentures for a bridge.

CAP. LXXII.

An Act respecting The City Gas Company of the City of London.

[Assented to 2nd March, 1872.]

WHEREAS "The City Gas Company" of the City of Preamble. London, have by their petition represented that they are now and for some years past, have been incorporated under the provisions of chapter sixty-five of the Consolidated Statutes of the late Province of Canada, intituled "An Act respecting incorporated joint stock companies for supplying cities, towns and villages with gas and water," under the corporate name of "The City Gas Company;" and that the said company were so incorporated for the purpose of supplying the said City of London and the inhabitants thereof with gas; and that the said company have entered into an arrangement with the Government of Ontario for the supply of Gas to the Lunatic Asylum recently erected in the Township of London, and beyond the limits of the said city; and that they desire to furnish gas to the inhabitants of the said Township of London and the Township of Westminster, beyond the limits of the said City of London; and that it is doubtful whether under the provisions of the Act above referred to, and their charter, the said company are authorized to extend the supply of their gas beyond the limits of the said city; and the said company have prayed that Legislative provision may be made to enable the said company to extend the supply of their gas to the said Lunatic Asylum, and also to the premises of such person or persons,

or

or body corporate, resident or situated in the vicinity of the said City of London, in the Township of London or Westminster as may desire to consume the same: and whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to extend works.

1. By and with the consent of the Municipal Corporation having control over the roads, streets, highways or property, on or over which it is, or may be proposed to convey the said gas, it shall and may be lawful for the said company to lay down and extend their mains and pipes so as to conduct their gas to the said Lunatic Asylum, and to the premises of such person or persons or body corporate, beyond the limits of the said City of London, and within the Townships of London and Westminster, as may desire to consume the said gas, subject to the provisions of the above recited Act, which shall be as applicable thereto in every respect, as if the said mains and pipes so extended beyond the limits of the said city of London were within the limits of the said city.

Powers as to City of London preserved.

2. That the powers hereby conferred on the said company, shall not invalidate or interfere with the charter or powers of the said company as respects the said City of London.

Powers under Con. Stat. Can. c. 115, applied.

3. That the said company shall have all the powers and privileges conferred by said above recited Act, with respect to the extension of their powers hereby granted in as full and ample a manner as though the said company had been empowered to extend their works into the said Townships of London and Westminster, at the time of their incorporation, and all the provisions of said Act shall apply to such extension.

CAP. LXXIII.

An Act to incorporate the Kingston Board of Trade.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS George M. Kinghorn, W. B. Simpson, Henry C. Voigt, Henry Cunningham, R. M. Ford, James Shannon and others, hereinafter named, residents in the City of Kingston, have by their petition to the Legislature represented that they have associated themselves together for many years past for the purpose of promoting such measures as they have deemed important towards developing the general trade and commerce of the City of Kingston; and have further represented

sented that the said Association would be more efficient in its operations should an Act of incorporation conferring certain powers on them and their successors be granted; And whereas it is expedient that the prayer of the said petition should be granted;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The said G. M. Kinghorn, Archibald Livingston, Henry Charles Voigt, John Carruthers, John Fraser, James Grant Macdonald, Roderick M. Rose, Henry Cunningham, William B. Simpson, Edwin Chown, George S. Fenwick, W. R. McRae, R. M. Ford, James Macnee, D. D. Calvin, Alexander Ross, R. M. Moore, Chas. F. Gildersleeve, George Robertson, William Ford jun., James Fisher, John McKay jun., George Robertson jun., G. W. Andrews, Michael Doran, W. P. Lacey, Isaac Simpson, James Greenfield, William Irwing, J. Penfold, James Richardson, P. R. Henderson, William Stewart, L. N. Putnam, Ira Breck, J. C. Clark, George Chaffey, John McMillan, William Harty, John Muckleson, John McKelvey, Weir Anderson, Edwin Rose, George M. Wilkinson, and James Shannon, and such other persons residents in the City of Kingston or in the County of Frontenac as are or shall be associated with the persons above named, for the purposes of this Act, in the manner hereinafter provided, and their successors, shall be and are hereby constituted a body politic and corporate, by the name of "The Kingston Board of Trade," for the purposes mentioned in the preamble; and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, alter and change at their will and pleasure; and they and their successors by their corporate name shall have power to purchase, take, receive, hold, and enjoy any estate whatsoever, real or personal, and alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof from time to time and as occasion may require, and other estate real or personal to acquire instead thereof: Provided always, that the clear annual value of the real estate held by the said corporation at one time shall not exceed five thousand dollars, and shall not be acquired or held for any other purpose than actual use and occupation of the said corporation; And provided also, that the said corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred on them by this Act or may be necessary for carrying the same into effect according to its true intent and meaning.

Incorporation.

Name.

Power to hold property.

Proviso.

Proviso.

2. The funds and property of the said corporation shall be used and applied to and for such purposes only as may be calculated

Application of the funds of the corporation.

lated to promote and extend the lawful trade and commerce of the City of Kingston, and adjacent district, or as may be necessary to obtain the objects for which the said corporation is constituted according to the true intent and meaning of this Act.

Place of meeting.

3. The usual place of meeting of the said corporation shall be held to be in the city of Kingston; and service at such place of any notice or process of any kind addressed to the said corporation shall be held to be sufficient service of such notice or

Service of process on corporation.

process on the corporation.

"The Council of the Board of Trade."

4. For the management of the affairs and business of the said corporation there shall be a council to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a president, vice-president, secretary, and seven other members of the council, all of whom shall be members of the said corporation and shall have the powers and perform the duties hereinafter mentioned and assigned to the said council.

Provisional council,

5. The said George M. Kinghorn shall be president, the said Archibald Livingston shall be vice-president, the said James Shannon, secretary-treasurer, and the said H. C. Voigt, John Carruthers, Edwin Chown, Henry Cunningham, W. R. McRae, William B. Simpson, R. M. Ford, the other members of the council, until the first election, to be had under the provisions of this Act; and the council hereby appointed shall, until the said election, have all the powers assigned to the council by this Act.

their powers.

Annual meetings.

6. The members of the said corporation shall meet annually in the city buildings in the City of Kingston, or in such other place as may be decided by by-law of the corporation (of which due notice shall be given by the secretary), on the second Tuesday in the month of January; and they, or a majority of them, shall then and there choose by separate ballot, or in such other way as shall be fixed by the by-laws of the corporation, from among the members of the corporation, one president, one vice-president, one secretary-treasurer, and seven other members of the council, who with the said president, vice-president and secretary-treasurer, shall form the council of the said corporation; and shall hold their offices until others be elected at the next annual meeting in their stead, or until they shall be removed from office, or shall vacate the same under the provisions of any by-laws of the corporation: Provided always, that if the said election shall not take place on the second Tuesday of January in any year, the corporation shall not thereby be dissolved, but such election may be had at any general meeting of the corporation, and the members of the council then in office shall remain so until the election shall be had.

Election of officers.

Proviso.

7. If any member of the said council shall die, resign his office or be absent for six months continuously from the said City of Kingston or County of Frontenac, it shall be lawful for the said corporation, if they shall see fit, at any general meeting, to elect a member of the corporation to be a member of the council in the place of the member so dying, or resigning, or being absent, and the member so elected shall hold office until the next annual election and no longer, unless re-elected.

Vacancies in council, how filled.

8. At any annual or other general meeting of the corporation whether for the purpose of electing members of the council or for any other purpose, any seven or more members of the corporation shall form a quorum and shall be competent to do and perform all acts which, either by this Act or by any by-law of the corporation, are or shall be directed to be done at any such general meeting; and all general meetings of the corporation shall be held at the place then appointed by by-laws thereof for the annual meeting aforesaid.

Quorum at general meetings.

9. It shall be lawful for the said corporation or the majority of them present at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said corporation, providing for the admission and expulsion or the retirement of members, and for the management of its council, officers and affairs, and all other by-laws in accordance with the requirements of this Act, or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding on all members of the said corporation, its officers and servants, and all other persons whomsoever lawfully under its control; Provided that no by-laws shall be made or enacted by the said corporation without notice, in writing, thereof having been given by one member and seconded by another member at a previous meeting, and duly entered in the books of the said corporation as a minute of the said corporation.

By-laws.

Proviso.

10. Each and every person then resident in the City of Kingston or in the County of Frontenac, and being or having been a merchant, trader, mechanic, manager of a bank, or accountant shall be eligible to become a member of the said corporation; and at any general meeting of the said corporation it shall be lawful for any member of the said corporation to propose any such person as aforesaid as a candidate for becoming a member of the said corporation, and if such proposition shall be carried by a majority of the members of the said corporation then present, he shall thenceforth be a member of the corporation, and shall have all the rights and be subject to all the obligations which the other members possess, or are subject to; Provided always, that any person not being a merchant or trader, mechanic, manager of a bank, or accountant shall be eligible to become a member of the said corporation in manner aforesaid, in case such person shall be recommended by the Council of the Board of Trade at any such meeting.

Who may be members of the corporation.

Proviso.

General meet-
ings, how
called.

11. It shall be lawful for the president, or a majority of the said council, by a circular letter signed by the secretary of the said corporation, to each member and mailed one day previous to the said meeting, to call a general meeting of the said corporation for any of the purposes of this Act.

Meetings of
the Council.

12. It shall be competent to the said council to hold meetings from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may by this Act, or the by-laws of the corporation, be assigned to them; and such meetings of the council shall be convened by the secretary, at the instance of the president, or upon the request of any two members of the council; and the said council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the corporation, except only the power of enacting or altering any by-law or admitting any member, which shall be done in the manner provided for by this Act and no other; and any five or more members of the council, lawfully met, and of whom the president or vice-president shall be one, or in case of their absence, any five or more members lawfully met shall be a quorum, and any majority of such quorum may do all things within the powers of the council; and at all meetings of the said council, and at all general meetings of the corporation, the president, or in his absence the vice-president, or, if both be absent, any member of the council then present who may be chosen for the occasion, shall preside, and shall in all cases of equality of votes upon any division have a casting vote.

Powers of the
council.

Quorum.

Who to pre-
side at meet-
ings.

Council to draw
out by-laws,
etc.

13. It shall be the duty of the said council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations as shall seem to the council best adapted to promote the welfare of the said corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said corporation called for that purpose in the manner hereinbefore provided.

Meetings of
council to be
open to mem-
bers of the
corporation.

Minutes.

14. The meetings of the members of the council shall be open to all members of the said corporation who may attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the said council or the said corporation, shall be entered in books to be kept for that purpose by the secretary of the said corporation; and the entry thereof shall be signed by the president of the said council, or such other person who at the time shall preside over any such meeting; and all such books shall be open at all reasonable hours to any member of the said corporation, free from any charge.

CAP. LXXIV.

An Act to authorize the Corporation of the City of Kingston to negotiate a loan of Four Hundred and Seventy Thousand Dollars to consolidate the city debt, by the issue of Debentures and for other purposes.

[Assented to 2nd March, 1872.]

WHEREAS the Corporation of the City of Kingston have Preamble.
petitioned to be authorized to consolidate the debt of the said corporation amounting to the sum of four hundred and seventy thousand dollars, three hundred thousand dollars of which is the bonus granted by the said corporation to the Kingston and Pembroke Railway Company, on certain conditions to be fulfilled by the company, and to borrow the said sum of four hundred and seventy thousand dollars on the debentures of the said corporation for this purpose, with power to renew the said debentures from time to time; And it is expedient that the prayer of the said petition should be granted:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the said debt of the Corporation of the City of Kingston be, and the same is hereby consolidated, at the sum of four hundred and seventy thousand dollars, and it shall and may be lawful to and for the said corporation of the City of Kingston to raise by way of loan upon the credit of the debentures hereinafter mentioned from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding four hundred and seventy thousand dollars of the lawful money of Canada. Consolidation of debt.

Corporation may borrow \$470,000.

2. It shall and may be lawful for the municipal council of the said City of Kingston, for the time being, to cause to be issued debentures of the said corporation under the corporate seal signed by the mayor and countersigned by the chamberlain of the said city for the time being for such sums, not exceeding in the whole the said sum of four hundred and seventy thousand dollars, as the common council shall direct and appoint, and bearing interest at six per centum per annum, payable as the municipal council shall appoint, and that the principal sum secured by the said debentures, and the interest accruing thereon may be made payable, either in this Province, in Great Britain or elsewhere, as the said council shall deem expedient and may be either in currency or sterling money. Issue of debentures.

Application of
amount raised
on debentures.

3. The funds derived from the negotiation of the said debentures shall be applied in the payment of the said debt of four hundred and seventy thousand dollars and shall be deposited until required in the agency of a chartered bank of Canada, at Kingston, upon such terms as the said municipal council and the said bank shall, from time to time, agree upon, and shall only be withdrawn therefrom as the same may, from time to time, be required for the payment and redemption of the debentures, promissory notes and sums composing the said debt.

Payment of
old debentures

4. The chamberlain of the said city shall on receiving instructions from the council so to do, from time to time, with the consent of the holders call in any of the said outstanding debentures and liabilities specially provided for by this Act, and shall discharge the same with the funds raised under this Act, or may substitute therefor the said debentures or any of them above authorized to be issued by this Act, as may be agreed upon between the corporation and the holders of such outstanding debentures or other, the creditors of, or claimants upon the corporation.

By-law for
issue of new
debentures.

5. It shall and may be lawful for the municipal council of the said city to pass a by-law, without observing the formalities required under the Municipal Act in force in this Province in such cases, authorizing the said loan of four hundred and seventy thousand dollars, and the issuing of the debentures therefor in accordance with this Act, and to impose in and by said by-law a special rate per annum on the whole ratable property of the municipality, to be called "The Consolidated Loan Rate" over and above, and in addition to, all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for principal and interest on account of the said debentures last mentioned.

When debentures to be payable.

6. A portion of the said debentures shall be made payable in each year for thirty years from the time the said by-law shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and that it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

By-law for
issue of debentures not to be repealed.

7. Any by-law to be passed under the fifth section of this Act authorizing the said loan shall not be repealed until the debt created under this Act and the interest thereon shall be paid and satisfied; and that the two hundred and thirty-fourth and the two hundred and thirty-fifth sections of the "Act respecting the Municipal Institutions of Upper Canada" shall apply to the said by-law.

Rights of the
Kingston and
Pembroke
Railway to the

8. Nothing in this Act contained shall entitle the Kingston and Pembroke Railway Company to the debentures for the aforesaid bonus until all the conditions upon which it was granted

granted have been complied with by the said company, ^{new debentures.} or alter in any way the conditions upon which the said bonus was granted, and was to be paid under the by-law granting the same; and unless the said railway company shall entitle themselves to receive the said bonus nothing in this Act contained shall constitute the said bonus of three hundred thousand dollars a debt of the said Corporation of the City of Kingston.

9. That the said bonus by-law shall not be repealed until the said bonus becomes, under the conditions therein contained, payable to the said railway company; and the debentures issued thereunder may with the consent of the said Railway Company be replaced in the hands of the trustees appointed or to be appointed under the said by-law by debentures to be issued under this Act which the said trustees shall hold under the same conditions and trusts as the debentures issued under the said by-law were held by them. ^{Bonus by-law not to be repealed.} ^{Debentures to be handed to trustees.}

10. That nothing in this Act contained shall be held or taken to discharge the Corporation of the City of Kingston from any indebtedness or liability which may not be included in the said debt of four hundred and seventy thousand dollars. ^{Liabilities of city to continue.}

11. No irregularity in the form of either of the said debentures or of the by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation, for the recovery of the amount of said debentures and interest or any or either of them or any part thereof. ^{Irregularity in form of debentures or by-law not to invalidate them.}

12. This Act may be cited as the "City of Kingston Consolidated Loan Act." ^{Short title.}

CAP. LXXV.

An Act respecting the debt of the City of London.

[Assented to 2nd March, 1872.]

WHEREAS the corporation of the City of London have incurred debts and liabilities in addition to the debt contracted under the Act establishing a Consolidated Municipal Loan Fund for Upper Canada and Acts amending the same, as follows: ^{Preamble.}

1. Debentures issued under by-law number twenty-one, due in the year one thousand eight hundred and seventy-six, forty-two thousand seven hundred and twenty dollars;

2. Debentures issued under by-law number thirty-six, due in the

the year one thousand eight hundred and seventy-three, eighty thousand dollars ;

3. Debentures issued under by-law number sixty-one, due in the year one thousand eight hundred and seventy-four, seventy-two thousand dollars ;

4. Debentures issued under by-law number six, due in the years one thousand eight hundred and seventy, seventy-one, seventy-two and seventy-three, one hundred thousand dollars ;

5. Debentures issued under by-law number nineteen, due in the year one thousand eight hundred and seventy-six, one hundred thousand dollars ;

6. Debentures issued under by-law number twenty-four, due in the year one thousand eight hundred and seventy-six, one hundred and twenty thousand dollars ;

7. Debentures issued under by-law number twenty-three, due in the year one thousand eight hundred and seventy-six, ten thousand dollars ;

8. Unascertained claim of County of Middlesex, forty thousand dollars ;

Amounting in the whole to five hundred and sixty-four thousand seven hundred and twenty dollars :

And whereas the corporation have petitioned to have all the said debts and liabilities consolidated, and that debentures may from time to time be issued by the said corporation in order to raise funds for the liquidation of the said debts and liabilities, under certain restrictions in the said petition set forth ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to issue
debentures for
\$564,720.

Debentures—
where payable.

Corporation
may borrow
money on the
debentures.

Payment of
old debentures.

1. The said corporation may issue debentures under the corporation seal, signed by the mayor and countersigned by the chamberlain of said city for the time being, in such sums, not exceeding five hundred and sixty-four thousand seven hundred and twenty dollars in the whole, as the said corporation may from time to time direct ; and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this Province or in Great Britain, or elsewhere, as the corporation may deem expedient.

2. The corporation of the said city may raise by way of loan on the credit of the said debentures in this province or in Great Britain, or elsewhere, a sum not exceeding in the whole the sum of five hundred and sixty-four thousand seven hundred and twenty dollars.

3. The chamberlain of said city shall, on receiving instructions from the council so to do, from time to time, with the consent of the holders, call in any of the said outstanding debentures and liabilities specially provided for by this Act, and shall discharge the same with the funds raised under this Act, or may substitute therefor the said debentures or any

any of them above authorized to be issued by this Act, as may be agreed upon between the corporation and the holders of such outstanding debentures, or other the creditors of or claimants upon the corporation.

4. The loan to be raised as aforesaid shall be applied by the council to the redemption and payment of the said outstanding debentures and other liabilities to be consolidated under this Act and to and for no other purpose whatsoever. Application of moneys raised on debentures.

5. For payment of the debentures to be issued under this Act, the council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such debentures), which shall be sufficient to form a sinking fund of two per centum per annum for that purpose. Sinking fund.

6. The council shall, and it shall be the duty of the city chamberlain to invest from time to time all money raised by special rate for the sinking fund provided in this Act, either in redemption of any of the said outstanding debentures, or any of the debentures hereby authorized to be issued, or in any debentures or stock issued by the Government of Canada, or in such other securities as the Lieutenant Governor of this Province may by order in council direct. Investment of sinking fund.

7. It shall not be lawful for the corporation to incur (unless for water works, drainage and for a bonus to the London, Huron and Bruce Railway) any further debt or liability than is provided for in this Act, except the yearly current expenses to be paid for out of the annual assessment, and any such contract or undertaking for increasing the debt or liability of the said corporation contrary to this Act shall be utterly null and void. Corporation not to incur further debt or liability.

8. The special rate for the payment of the debentures to be issued under the authority of this Act shall, in each and every year during the continuance of said debentures, be inserted in a separate and distinct column on the collectors' roll of said city, and shall not be included with any other rate or rates. Collectors' roll to have separate column for special rate.

9. The debentures to be issued as aforesaid shall be payable not less than twenty nor more than thirty years from the date thereof, as the corporation may direct, and the interest thereon, at a rate not exceeding seven per centum per annum shall be payable half yearly according to the coupons attached thereto. Debentures—when to be payable. Interest.

10. The debentures issued under this Act may be in the form contained in the schedule A to this Act. Form of debenture.

11. The by-law or by-laws for the special rate for the payment of the interest, and to form a sinking fund for the payment Form of by-law.

ment of said debentures, may be in the form of schedule "B" to this Act.

Irregularity in form of debenture or by-law not to invalidate them.

12. No irregularity in the form either of the said debentures, or of the by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof.

Assent of electors to by-laws under this Act unnecessary.

13. It shall not be necessary to obtain the assent of the electors of said city to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by an Act respecting the Municipal Institutions of Upper Canada, or any Act amending the same.

Debentures may be in sterling or currency.

14. That the debentures and coupons may be made payable in sterling money in Canada or Great Britain if the council shall so direct.

Claims of the Province not to be affected.

15. Nothing in this Act contained shall in anywise affect the claim of the late Province of Canada, or of the Province of Ontario in respect to the debt contracted under the Act establishing a Consolidated Municipal Loan Fund for Upper Canada, and Acts amending the same.

SCHEDULE "A."

No.

PROVINCE OF ONTARIO.

\$

CITY OF LONDON.

Debenture.

Under and by virtue of "An Act respecting the debt of the City of London, 1872," the corporation of the City of London promise to pay the bearer, at _____, the sum of _____, on the _____ day of _____, one thousand eight hundred and _____, and the half-yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at London, Ontario,
this _____ day of _____, A.D. 18 ____.

City Chamberlain.

Mayor.
[L.S.]

SCHEDULE

SCHEDULE "B."

By-law to authorize the issue of debentures under the authority of "An Act respecting the debt of the City of London, 1872," and to impose a special rate for the payment thereof.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of five hundred and sixty-four thousand seven hundred and twenty dollars in the whole, as the corporation of the City of London may direct;

And whereas for the purposes mentioned in said Act it is necessary to issue debentures to the extent of _____ dollars, payable in _____ years from the date thereof, with interest thereon at the rate of _____ per cent. per annum, payable half-yearly, according to the coupons to the said debentures attached;

And whereas the said Act requires for payment of the debentures to be issued thereunder the council to impose a special rate which shall be sufficient to form a sinking fund of two per cent. over and above all interest to be paid on said debentures, and it will require the sum of _____ to be raised annually for the said interest and sinking fund;

And whereas the amount of the whole ratable property of the City of London, according to the last revised assessment roll of the said City, being for the year one thousand eight hundred and _____, was _____ dollars;

And whereas the total amount of debentures issued under said Act, exclusive of the debentures by this by-law proposed to be issued, is _____ dollars;

And whereas for payment of the interest and creating a yearly sinking fund of two per cent. for payment of the said debentures, amounting together yearly to the sum of _____

dollars, it will require to be levied in each year an equal annual special rate of _____ in the dollar over and above and in addition to all other rates;

Be it therefore enacted by the corporation of the City of London:

1. That debentures under the said Act and for the purpose therein mentioned to the extent of the sum of _____ are hereby authorized and directed to be issued.

2. That said debentures shall have coupons thereto attached for the payment of the interest at the rate of _____ per cent. per annum, payable half-yearly.

3. That for the purpose of forming a sinking fund of two per cent. for the payment of the said debentures, and the interest at the rate aforesaid to become due thereon, an equal special rate of _____ in the dollar shall, over and above and in addition to all other rates, be raised, levied and collected in each year upon all the ratable property in the said city of London during the continuance of the debentures or any of them.

This

This by-law passed in open council this day of
in the year of our Lord one thousand eight hun-
dred and

Clerk.

Mayer.

[L.S.]

CAP. LXXVI.

An Act to consolidate the Debenture Debt of the
City of Toronto.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the Corporation of the City of Toronto have by their petition represented that it would be conducive to the welfare and interest of the said city, as well as greatly facilitate their financial arrangements, to place the debenture debt of the City of Toronto on a more satisfactory basis; And whereas the debt of the city on the thirty-first day of December, one thousand eight hundred and seventy-one, as represented by debentures outstanding and in course of negotiation, for purposes which have received the sanction of the rate-prayers, is two million nine hundred and fifty-three thousand and sixty-seven dollars and sixty-three cents; And whereas, it is deemed desirable to redeem, with a portion of the present sinking fund, City of Toronto debentures (as hereinafter stated), amounting to two hundred and thirty-one thousand one hundred and sixty-six dollars and sixty-seven cents, thus reducing the debt of the said city to two million seven hundred and twenty-one thousand nine hundred dollars and sixty-one cents; And whereas, the debentures issued for common school and local improvement purposes, amount to one hundred and sixty-nine thousand seven hundred and thirty-four dollars and eighty-five cents, which deducted from the former sum of two million seven hundred and twenty-one thousand nine hundred dollars and sixty-one cents, would leave a sum of two million five hundred and fifty-two thousand one hundred and sixty-six dollars and eleven cents, which said sum becomes due and is payable as follows:—

1872	13,670 00
1873	8,340 00
1874	20,200 00
1875	37,800 00
1876	537,217 76
1877	96,360 00
1878	323,973 34
1879	106,296 67
1880	200,838 34
1881	97,826 66
1882	42,520 00

1883

1883	34,500 00
1884	63,266 67
1885	229,706 67
1889	400,000 00
1890	100,000 00
1891	239,650 00

\$2,552,166 11

And whereas it is desirable to issue, sell, or dispose of debentures to the amount of two million five hundred and fifty-two thousand one hundred and sixty-six dollars and eleven cents, to enable them to redeem the aforesaid debentures which are now outstanding or in course of negotiation; And whereas it is also desirable that the Corporation of the City of Toronto, should be empowered to establish a sinking fund upon the terms in this Act contained, for the redemption of such new debentures, and to apply the present sinking funds as hereinafter stated; And whereas it is expedient so to grant:

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Corporation of the City of Toronto may from time to time pass a by-law or by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of debentures of the said city, to an amount not exceeding in the whole the sum of two million five hundred and fifty-two thousand one hundred and sixty-six dollars and eleven cents, or raising by way of loan upon the credit of such debentures from any person or persons, body or bodies politic or corporate, either in Canada, Great Britain, the United States of America, or elsewhere, who may be willing to lend the same, a sum of money not exceeding in the whole the sum of two million five hundred and fifty-two thousand one hundred and sixty-six dollars and eleven cents, of lawful money of Canada, to redeem the debentures in the preamble to this Act mentioned.

The Corporation of Toronto may issue debentures for \$2,552,166.11.

2. The debentures so to be issued shall be debentures of the Corporation of the City of Toronto, and such of the said debentures as may be required to be issued from time to time, in order to redeem debentures falling due, and may be issued in the year preceding the maturing of the said last mentioned debentures; and the said debentures shall be payable within twenty-one years from the day of the date of the respective issues thereof, at any place in Canada, Great Britain, the United States of America or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, or the United States of America; and such debentures shall be in sums of not less than one hundred dollars Canadian currency, or twenty pounds sterling.

Nature of debentures to be issued.

Form of debenture.

3. The said debentures shall be under the common seal of the said city and signed by the Mayor and countersigned by the Chamberlain of the said city, and may be in the form "A" in the schedule to this Act, or as near thereto as the corporation may find convenient according to the places where and the money in which the same are made payable.

Coupons for payment of interest.

4. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly on the first day of the months of January and July in each and every year, at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at the rate of five, six or seven per centum per annum.

Debentures and moneys arising therefrom how to be applied.

5. The said debentures and any and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the City of Toronto, mentioned in the preamble to this Act, and in no other manner and for no other purpose whatsoever.

Rate for payment of interest.

6. For the payment of the interest on the said debentures there shall be annually raised, levied and collected by the said corporation, upon the whole of the then ratable or assessable property of the said city, a rate of so much on the dollar as shall be required to discharge the interest on the amount represented by the debentures issued by the said corporation, under the authority of this Act, whether or not they or any of them have been redeemed with sinking fund moneys by the said corporation before maturity, until the said principal and interest shall have become due and is fully paid and satisfied.

Sinking fund.

7. From and after the first day of April, one thousand eight hundred and seventy-two until the first day of April one thousand nine hundred and twelve, inclusive, it shall be incumbent on the said corporation, in addition to the interest, to provide yearly the sum of twenty-five thousand five hundred and twenty-one dollars and sixty-six cents, until the debentures issued under the authority of this Act are fully paid or satisfied as and towards a general sinking fund of one per cent. for the purpose of paying the principal of the said debentures, and to impose a sufficient rate or rates for that purpose in addition to the other rate or rates from time to time imposed under this Act.

Power to appropriate portion of the present sinking fund of the corporation.

8. The said corporation shall have power to appropriate the sum of two hundred and thirty-one thousand one hundred and sixty-six dollars and sixty-seven cents of the amount now standing on the books of the said corporation to the credit of the sinking fund in the redemption of the outstanding consolidated loan debentures (issued in the year one thousand eight hundred and fifty two), and which maturing on the first day of October,

October, in the year one thousand eight hundred and seventy-two and the said corporation shall have power to carry the balance then remaining to the credit of the present sinking fund accounts to the credit of the new sinking fund account established by this Act for the redemption of the principal of the debentures to be issued hereunder.

9. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund created under this Act in the redemption of the outstanding debentures of the said city, authorized to be redeemable by the debentures issued under this Act, or in the redemption of the debentures issued under the authority of this Act; and no such moneys of the sinking fund created by this Act shall be invested in securities other than the said debentures, without the sanction of the Lieutenant-Governor in Council.

Investment of sinking fund.

10. All discounts on debentures purchased by the said corporation as a sinking fund investment shall be placed to the credit of the sinking fund account; and should the said corporation redeem any of its outstanding debentures, as in the last section mentioned, before maturity, the corporation shall nevertheless continue to provide the interest on all its unmatured debentures, and the interest on such debentures as may be held by the corporation on account of the sinking fund, shall be, as the said interest matures, placed to the credit of the said sinking fund account.

Certain funds to be placed to the credit of the new sinking fund.

11. The said sinking fund rate or annual sum of twenty-five thousand five hundred and twenty-one dollars and sixty-six cents shall be placed to the credit of the sinking fund by the Chamberlain of the said city out of the first moneys paid to the Chamberlain in each year by the collectors of taxes or by the taxpayers of the said city, and such sinking fund moneys shall on no account be used or applied by the said corporation or Chamberlain for any other purpose than those authorized by this Act.

Sinking fund rate to be paid out of the first moneys paid annually to the city.

12. All expenses attending the sale or negotiation of the debentures issued under this Act, and all discounts thereon, if any, shall be paid out of the general revenue of the said city in such year in which the said debentures to be redeemed mature.

Expenses of negotiation of the debentures.

13. The by-law or by-laws of the said corporation passed under the authority of this Act shall not require the assent of the electors of the said city, before the final passing thereof.

By-laws need not be assented to by electors.

14. No irregularity in form of the said debentures or of the by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount

Irregularity in debentures or by-laws not to invalidate them.

amount of said debentures and interest or any or either of them or any part thereof.

SCHEDULE.

Form "A."

CONSOLIDATED LOAN DEBENTURE.

No.	Province of Ontario	£	Stg.
	City of Toronto.		

Under and by virtue of the Act passed in the 35th year of the reign of Her Majesty Queen Victoria, and chaptered and by virtue of by-law No. of the corporation of the City of Toronto, passed under the powers contained in the said Act ;

The Corporation of the City of Toronto, promise to pay the bearer at in the sum of pounds sterling, on the day of A.D. and the half-yearly coupons hereto attached, as the same shall severally become due.

[L.S.]

A. B.

Mayor.

C. O.

Chamberlain.

CAP. LXXVII.

An Act to amend the Municipal Institutions Act of Upper Canada, so far as the same relates to the Corporation of the City of Toronto.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the Council of the Corporation of the City of Toronto, have by petition represented, that owing to the large sums of money received and disbursed by the said Corporation in each year, it would tend greatly to the better auditing of the accounts of the said Corporation, if a change were made in the time for the appointment of their auditors ; and whereas it is expedient that said prayer be granted :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

29 & 30 V., c.
51, s. 67,
amended.
Appointment
of auditors by
the City of
Toronto.

1. Notwithstanding any thing in the municipal institutions Act or any amendments thereto, the Council of the Corporation of the City of Toronto shall, at any time during the month of December in each year, appoint two auditors.

2. Notwithstanding as aforesaid, the auditors for the said city shall every month, commencing at the end of the first month in the following year, and so on to the end of such year, examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction.

Sec. 168
amended.
Monthly audit.

3. The said auditors shall discharge the duties imposed upon auditors by the one hundred and seventy-first section of the said municipal institutions Act within one month after the thirty-first day of December in each year.

S. 169 amended.

4. The Council of the Corporation of the City of Toronto, may, after the final passing of this Act, appoint by by-law two auditors to examine and audit the accounts of the said Corporation for the year one thousand eight hundred and seventy-two, one of whom shall be nominated by the Mayor, and the other by the Council of the Corporation of the said City.

Audit of City
of Toronto ac-
counts for
1872.

CAP. LXXVIII.

An Act to revive and amend the Act relating to the City of Toronto Water Company.

[Assented to 2nd March, 1872.]

WHEREAS the City of Toronto Gas Light and Water Com-pany was incorporated by an Act passed in the session of the Parliament of the late Province of Canada held in the fourth and fifth years of Her Majesty's reign, and chaptered sixty-five; and whereas the said Act of incorporation was amended by an Act passed in the eighth year of Her Majesty's reign, and chaptered eighty-five; and whereas the said Act of incorporation was further amended by an Act passed in the sixteenth year of Her Majesty's reign, and chaptered one hundred and nine, by which said last mentioned Act the name of the said company was changed to the City of Toronto Water Company; and whereas by an Act passed in the sixteenth year of Her Majesty's reign, and chaptered two hundred and fifty, the Metropolitan Gas and Water Company was incorporated; and whereas the said last mentioned Act of incorporation was amended by an act passed in the eighteenth year of the reign of Her Majesty, chaptered one hundred and eighteen; and whereas the said Metropolitan Gas and Water Company became the purchasers of all the works, rights, privileges and franchises of the City of Toronto Water Company, and to secure the payment of the purchase money thereof mortgaged the said works, rights, privileges and franchises to

Preamble.

Albert

Albert Furniss, of the City of Montreal, Esquire, who was then the sole proprietor and shareholder of the said City of Toronto Water Company; and whereas default having been made by the said Metropolitan Gas and Water Company in the payment of the said mortgage money, the said Albert Furniss filed his bill in the Court of Chancery in Upper Canada to foreclose the said mortgage, and by virtue of the said court the said mortgage was absolutely foreclosed, and the said Albert Furniss entered into possession of the said works, rights, privileges and franchises, and has continued in possession thereof ever since; and whereas the said Albert Furniss is desirous that all the rights, powers, franchises and privileges vested in the said companies, or either of them, should be vested in him with such powers and authorities as may enable him effectually to operate and work the same; and it is right that the same be granted to him:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain water
Companies
vested in
A. Furniss.

1. All the works, powers, rights, privileges and franchises whatsoever, held and occupied and enjoyed by the said City of Toronto Water Company, or the said Metropolitan Gas and Water Company, or the president and directors and shareholders of the said companies, or either of them, shall be and they are hereby vested in the said Albert Furniss, his heirs and assigns, and his and their associates, he and they are hereby authorized and empowered to exercise the same under the corporate name of "The City of Toronto Water Company."

Company may
sell their
works, etc.

2. The City of Toronto Water Company are hereby authorized and empowered to sell their said works and all the powers and authorities contained in the said charters of incorporation to any person or body corporate, or any share or interest therein, upon such terms as may be agreed upon between them; and the said company shall be liable to all duties, contracts and obligations incurred subsequent to the said mortgage in the preamble mentioned, and subject to all the penalties or claims whatever, to which the said City of Toronto Water Company or the said Metropolitan Gas and Water Company, or either or both of them, is or are in any way liable or subject; and all actions or suits now pending by for or against the said City of Toronto Water Company or the Metropolitan Gas and Water Company, or either or both of them, may be continued and completed by or against the said City of Toronto Water Company, upon a suggestion of the passing of this Act.

CAP. LXXIX.

An Act to authorize the Corporation of the City of Toronto to construct water works in the City of Toronto.

[Assented to 2nd March, 1872.]

WHEREAS grave and frequent complaints have been made Preamble.
from time to time, by the citizens and Corporation of Toronto, against the quality and supply of water furnished by the Toronto Water Works Company, hitherto existing and supplying water to the city; and grievous and serious injury to property and to the city generally has resulted from an undue and insufficient service thereof; and whereas numerous amendments have been made to the charter of the said Toronto Water Works, with the view to making the same more useful and effective, for the purposes intended; and to enable the Corporation of the City of Toronto to satisfy the citizens as to the service of water procurable from said company; and whereas after much treaty and negotiation between the said City of Toronto and the said Water Works Company, it has been found impossible to effect any satisfactory arrangement with said Water Works Company on behalf of the said corporation and citizens of Toronto; and whereas the Council of the Corporation of the City of Toronto, have by petition declared that it is deemed necessary and advisable that the said Corporation of Toronto should have the power to purchase, construct, have and manage, as to them may seem meet, certain water works on behalf of the city of Toronto; and it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the Corporation of the City of Toronto, by and through the agency of commissioners and their successors, to be elected and appointed, as hereinafter provided, may, and shall have power to design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct water works, and all buildings, matters, machinery and appliances therewith connected or necessary thereto, in the City of Toronto, and parts adjacent, as hereinafter provided. Corporation of Toronto may construct, etc., Water Works.,

2. The said commissioners and their successors, shall be a body corporate, under the name of the "Water Works Commission for the City of Toronto;" and shall be composed of five members, of whom the Mayor of the City of Toronto, for the time being, shall be *ex-officio*, one; and the said commissioners shall have all the powers necessary to enable them to build the water works hereinafter mentioned; or to purchase, and after purchase to add thereto, or otherwise deal with the water Commissioners of the works incorporated; Powers.

water works of any other company, and to improve, secure, maintain, and enlarge any of the said works, from time to time, as to the said commissioners may seem meet, and to carry out all and every the other powers conferred upon them by this Act.

Duty of Commissioners.

3. And it shall be the duty of the said commissioners to examine, consider and decide upon all matters relative to supplying the said City of Toronto, by the means contemplated, by this Act, with a sufficient quantity of pure and wholesome water for the use of its inhabitants; and also to provide, build, or construct the necessary water works, buildings, machinery and other appliances requisite for the said object.

Powers.

4. The said commissioners shall have power to employ and appoint engineers, surveyors, officers, and other persons; and to rent or purchase such lots, works, buildings, privileges and yards, as in their opinion may be necessary to enable them to fulfil their duties under this Act.

Powers.

Entry on lands

Appropriate streams;
Contract.

Arbitration.

5. And it shall and may be lawful for the said commissioners, their agents, servants and workmen, from time to time, and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the city of Toronto, or within thirty miles of the said city; and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said water works; and also to divert and appropriate any spring or stream of water thereon, as they shall judge suitable and proper; and to contract with the owners or occupiers of the said lands, and those having an interest or right in the said water, for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said water works commissioners; and in case of any disagreement between the said commissioners and the owners or occupiers of such lands, or any persons having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them or otherwise, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned—namely, the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall, within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the Judge of the County Court of the County of York, shall, on application by either party, appoint such third arbitrator. In case any such owner or occupier, shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, then, the Judge of the County Court of the County of York, on application being made

made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators. The arbitrators to be appointed as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators shall be final. And the said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said city, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, then and there to arbitrate and award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested; and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace, in and for the said County of York, or the said city, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties to the best of his judgment; Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench, or Common Pleas, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so awarded shall be paid within three calendar months from the date of the award or determination of any motion to annul the same; and in default of such payment the proprietor may resume possession of his property, and all his rights shall thereupon revive; and the award of a majority of the said arbitrators shall be binding on all parties concerned subject as aforesaid; Provided always, that upon the application of any person injuriously affected by the works of the said company by the withdrawal thereby of the water from any river, stream or lake, so as to leave an insufficient quantity for the agricultural or other purposes of the proprietors or occupants of the lands through, or on which such rivers, streams or lakes may pass or be, the Court of Chancery may grant injunctions to restrain the said company from the use of the water of such river, stream or lake for such time, and upon such conditions as the Court shall direct.

6. The lands, privileges and water, which shall be ascertained, set out or appropriated by the said commissioners for the purposes thereof as aforesaid, shall thereupon and forever thereafter be vested in the Corporation of the City of Toronto, and their successors; and it shall and may be lawful for the said commissioners and their successors, to construct, erect and maintain in and upon the said lands all such reservoirs, water works and machinery requisite for the said undertaking, and to convey the waters thereto and therefrom, in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water works, and the springs, streams, rivers or lakes

Lands appropriated vested in the city.
Powers to convey water.

Enter on lands

lakes from which the same are procured, and the said City of Toronto, by one or more lines of pipes, as may from time to time be found necessary; and for better effecting the purposes aforesaid, the said commissioners, their successors and servants, are hereby empowered to enter and pass upon and over the said grounds and lands intermediate as aforesaid; and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under and through the highways, railways, and roads of and in the townships of Etobicoke, York and Scarboro', and the incorporated village of Yorkville, in the county of York, and in, through, over and under the public ways, streets, street railways, lanes, or other passages of the said city of Toronto, and in, upon, through, over or under the lands, grounds and premises of any person or persons, bodies corporate, politic, or collegiate, whatsoever; and to set out, ascertain, use and occupy such part or parts thereof, as they, the said commissioners, or their successors shall think necessary and proper, for the making and maintaining of the said works, or for the opening of new streets required for the same; and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the City of Toronto, or for the uses of the corporation of the said city, or of the proprietors or occupiers of the lands through or near which the same may pass; and for this purpose to sink and lay down pipes, trunks, reservoirs, and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said commissioners or their successors shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of disagreement, by arbitration as aforesaid; and all such water works, pipes, erections and machinery requisite for the said undertaking, shall likewise be vested in, and be the property of the Corporation of the City of Toronto.

Works vested
in the city.

Penalties for
injury to.

7. If any person shall wilfully or maliciously hinder or interrupt, or cause, or procure to be hindered or interrupted, the said commissioners or their managers, contractors, servants, agents or workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained, or if any person shall wilfully or maliciously let off or discharge any water, so that the same shall run waste or useless out of the said works, or if any person shall throw or deposit any injurious, noisome or offensive matter into the said water or water works, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes or water, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof, before any justice of the peace, having jurisdiction within the locality where

where the offence shall be committed, forfeit and pay for every such offence the sum of twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners, for water works purposes, and the other half to him or her who shall lay the information; and in case the parties suing for the same shall be commissioners themselves, or any of their servants, officers, agents, or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water works purposes; and such justice may also, in his discretion, further condemn such person to be confined in the common gaol of the City of Toronto or County of York for a space of time not exceeding one calendar month, as to such justice shall seem meet; and such person or persons so offending shall be liable to an action at law, at the suit of the commissioners, to make good any damage done by him, her or them.

8. All materials procured or partially procured under contract with the commissioners, and upon which the said Commissioners shall have made advances in accordance with such contract, shall be exempt from execution.

Materials for
work exempted
from execution

9. That the said commissioners shall be, and they are hereby required to keep, or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the said water works, distinct from the books and accounts relating to the other property, funds or assets belonging to the said water works; and all such books shall be open to the examination of any person or persons appointed for that purpose by the Corporation of the City of Toronto, or any member of the said corporation; and shall annually on or before the first day of December in each and every year, cause a return to be made to the council of the Corporation of the City of Toronto, shewing a statement of the affairs of the said water works, wherein shall be stated the amount of the rents, issues and profits arising from the said water works, the number of tenants supplied with water, the extent and value of the moveable and immoveable property thereunto belonging, the amount of debentures then issued and remaining unredeemed and uncanceled, and the interest paid thereon or yet due and unpaid, and the state of the sinking fund; the expenses of collection and management, and all other contingencies; salaries of officers and servants, the costs of repairs, improvements and alterations, the prices paid for the acquisition of any real estate that may be acquired for the use of the said water works, and generally such a statement of the revenue and expenditure of the said water works as will at all times afford to the citizens of the said City of Toronto a full and complete knowledge of the state of affairs of the said water works, and such information as may be required by the Corporation of the City of Toronto, and in order that all the accounts relating to the said water works may be audited by the auditors of the said Corporation in regular course.

Accounts to be
kept by Com-
missioners.

Returns to the
city.

Oaths of Office
Records of pro-
ceedings.

10. The said commissioners and the clerks employed in their revenue shall be sworn before a justice of the peace to the faithful performance of their duties, and they shall keep a book for the purpose of recording the whole of their official proceedings; which said book shall be open for inspection, as the books in the preceding section mentioned.

Powers as to
use of water.

11. The board of commissioners, for the time being, shall regulate the distribution and use of the water in all places and for all purposes where the same may be required; and from time to time shall fix the prices for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purpose the same shall be used, all which they may change at their discretion; Provided always that all hydrants, conduits or other appliances which the Corporation of the City of Toronto may require under this Act for the purpose of extinguishment of fires shall be placed as the Corporation of the City of Toronto shall direct, and shall be under their exclusive control and direction when erected.

Water rates.

12. The commissioners shall have power and authority, and it shall be their duty, from time to time, to fix the price, rate, or rent which any owner or occupant of any house tenement, lot, or part of a lot, or both, in, through, or past which the water pipes shall run, shall pay as water rate or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment and to any special benefit and advantage derived by such owner or occupant, or conferred upon him or her or their property by the water works, and the locality in which the same is situated: and such water rate or rent as shall be assessed by such commissioners upon such owner or occupant, shall be, and continue a lien or charge, unless paid, upon such real estate; and the water commissioners shall also have power and authority, from time to time, to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs and public buildings; Provided always, unless the existing works of the Metropolitan Water Works Company or the City of Toronto Water Works Company, shall be purchased from the said company, or otherwise obtained by the said Corporation of the City of Toronto, no compulsory rate or rent shall be levied or collected in any portions of the city, where the pipes of the said water works are now laid.

Lien for rates.

Water rates
lien on pro-
perty.

Rates paid to
be paid to
Chamberlain.
Powers to en-
force by-laws.

13. All water rents and water rates, when collected, less disbursements by the commissioners, shall be paid over monthly by the said commissioners to the chamberlain of the City of Toronto, and by him placed to the credit of the water works account: And the commissioners shall have power, from time to time, to make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management

management and conduct of the said water works, officers and others employed by them, not inconsistent with this Act, and for the collection of the said water rent and water rate, and for fixing the time and times, (which shall be quarterly) when, and the places where, the same shall be payable; also for allowing a discount for pre-payment, and, in case of default in payment, to enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods or chattels in his possession, wherever the same may be found within the City of Toronto and County of York, or of any goods or chattels found on the premises, the property of, or in the possession of, any other occupant of the premises; such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of city taxes, and the costs chargeable shall be those payable to bailiffs under the Division Court Act; Provided that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises.

To enforce
payment.

14. The commissioners shall have power, with the consent of the Corporation of Toronto, to employ the city collectors, assessors and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices under the commissioners, at the pleasure of the commissioners, or as they shall determine by by-law in that behalf, and shall give such security as the commissioners shall from time to time require; and such collectors or assessors shall have as full power in the performance and enforcement of the matters to them committed as the collectors and assessors in the cities of the Province of Ontario do now possess and enjoy.

Powers to em-
ploy city col-
lectors and
others.

15. If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water works, or in any way obtain or use any water thereof without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water works purposes the sum of one hundred dollars, and also a further sum of five dollars for each day such pipe or main shall so remain, which said sum, together with costs of suit in that behalf, may be recovered by civil action in any court of law in the Province having civil jurisdiction to that amount.

Penalty for
drawing off
water.

16. If any person shall bathe or wash or cleanse any cloth, wool, leather, skin or animals, or place any nuisance or offensive thing within the distance of three miles from the source of supply for such water works, in any lake, river, pond, source or fountain from which the water of the said water works is obtained; or shall convey or cast, cause or throw, or
put

Penalty for
fouling water.

put any filth, dirt, dead carcasses or other noisome or offensive things therein, or within the distance as above set out, or cause, permit or suffer the water of any sink, sewer or drain to run or to be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any wise tainted or fouled, every such person shall on conviction thereof before any justice of the peace, on the oath of one credible witness, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars, together with costs, one half to be applied for water works purposes, and the other half to him or her who shall lay the information, and in case the party laying such information be the commissioners themselves or any of their officers or servants, then the whole of the said penalty shall be applied to the uses of the commissioners for water works purposes, and each justice shall also in his discretion further condemn such person to be confined in the common gaol for a space of time not exceeding one calendar month, with or without hard labour, as to him may seem meet.

Penalty for
wrongfully us-
ing water.

17. It shall and may be lawful for the commissioners, and they are hereby authorized and empowered to make such by-laws as to them shall seem requisite and necessary for prohibiting by fine not exceeding twenty dollars for water works purposes, or imprisonment not exceeding one calendar month (the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment, with or without hard labour, being always in the discretion of the justice of the peace before whom any proceeding may be taken for enforcement thereof,) any person being occupant, tenant or inmate of any house supplied with water from the said water works from vending, selling or disposing of the water thereof, from giving it away or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than to his, her or their own use and benefit, or from increasing the supply of water agreed for with the said commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing relating to or connected therewith, which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the city, a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the commissioners with regard to the water so supplied.

Vacant spaces
chargeable.

18. In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken the commissioners are empowered to lay the service-pipe across such vacant space and charge the cost of

of the same to the owners of the premises, such charge to be payable with the first payment of water rates and to be collected in the same manner from the said owners.

19 The service-pipe from the line of the street to the interior face of the outer wall of the building supplied together with all branches, couplings, stopcocks and apparatus placed thereon by the commissioners shall be under their control; and if any damage be done to this portion of the service-pipe or its fittings either by neglect or otherwise the commissioners may repair the same and charge the same to the occupant or owner of the premises; the stopcock placed by the commissioners inside of the wall of the building shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes and to prevent flooding of premises. Service pipes, stop cocks, etc

20. All parties supplied with water by the commissioners Taps. may be required to place only such taps for the drawing and the shutting off the water as may be approved of by the commissioners.

21. Neither the water commissioners nor the corporation of the city shall be liable for damages caused by the breaking of any service-pipe or attachment or for any shutting off of the water to repair mains or to tap the pipes, provided notice be given of the intention to shut off the water when the same is shut off more than six hours at any one time. Non-liability for breakage.

22. It shall be lawful for the officers of the water commissioners and every person authorized by them for that purpose to have free access at proper hours of the day and upon reasonable notice given and request made for that purpose to all parts of every building in which water is delivered and consumed. Right of access.

23. If any person or persons not being in the employment of the water commissioners or not being a member of the fire brigade of the said city and duly authorized in that behalf shall wilfully open or close any hydrant or obstruct the free access to any hydrant, stopcock, chamber or hydrant chamber by placing on it any building material, rubbish or otherwise, every such person shall on conviction before any of Her Majesty's justices of the peace forfeit and pay for each offence a sum not exceeding twenty dollars for water works purposes, or in default of payment be imprisoned in the gaol of the county for a term not to exceed thirty days, and each time the said hydrants are so interfered with and each day said obstruction shall continue shall be considered a separate offence. Penalty for injuries.

24. A majority of said commissioners shall constitute a quorum for the transaction of any business allowed or required by virtue of this Act. Quorum.

25. The said commissioners shall have the full, entire and exclusive

Powers to
manage,
prosecute, etc.

clusive possession, control and management of the said lands and water works and all things appertaining thereto; and shall and may in the name of the commissioners of water works for the City of Toronto prosecute or defend any action or actions, suit or suits, or process at law or in equity against any person or persons for money due for the use of the water, for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them and also for any injury, damage, trespass, spoil, nuisance or other wrongful act done, committed or suffered to the said lands, works, water courses, sources of water supply, pipes, machinery or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water or for anything otherwise arising out of their said office as commissioners.

Powers of ex-
tension in su-
burbs.

26. The water commissioners are hereby empowered to arrange with the corporation or with individuals for the extension of pipes in suburbs or partially built portions of the city by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit on the cost of the said pipes when laid by the parties under the direction of the commissioners and subject to their approval, or the commissioners may lay the pipes charging the said parties in addition to the usual water rate a yearly interest upon the cost of such extension, which interest or such portion thereof as shall then be due shall be paid at the same time and collected in the same manner as the water rates.

Powers to sup-
ply outside
Toronto.

27. The water commissioners shall have power and authority to supply any corporation, person or persons with water, although not being resident within the City of Toronto, and may exercise all other powers necessary to the carrying out of their agreements with such corporations or persons as well within the Townships of York, Scarborough and Etobicoke, as within the City of Toronto; and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory provided that no power or authority shall be exercised under this clause without the consent and approbation of the Corporation of the City of Toronto.

Protection in
exercise of
office.

28. The commissioners and their officers shall have the like protection in the exercise of their respective offices and in the execution of their duties as justices of the peace now have under the laws of this Province.

Power to issue
debentures.

29. For the purpose of constructing the said water works, and paying the interest on the said debentures during the progress of the works and expenses attendant thereon, or for the purpose of meeting the payment of any other matter or thing contemplated or allowed by this Act, the Corporation of the City

City of Toronto shall have power to issue debentures of the said Corporation of the City of Toronto to be called Water Works Debentures, for a sum of money not exceeding five hundred thousand dollars, of lawful money of Canada, in such sums not less than one hundred dollars, or twenty pounds sterling money, as shall to the said corporation seem expedient, which debentures shall be made payable in manner and at the times following, that is to say: within a period of thirty years from the date of the respective issues thereof, and shall bear interest after the rate of five, six or seven per centum per annum, such interest to be payable half yearly; and such debentures shall be signed by the mayor and chamberlain of the said city for the time being, and may be made payable either in sterling or currency in this Province, Great Britain, or elsewhere, as to the council of the Corporation of the City of Toronto shall seem expedient or necessary: and the said council of the Corporation of the City of Toronto and their successors shall, for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on same semi-annually, raise annually after the completion of the said works, or at the expiration of three years from the date of the first issue of such debentures such sum as may be necessary to pay the interest upon and provide a sinking fund to meet the whole of such debentures in full as the same shall become due, respectively, and shall order a rate for that purpose to be settled, imposed and levied in each and every year to pay said principal and interest on such debentures, and it shall not be necessary to obtain the consent or approval of the Lieutenant-Governor of this Province in council, before contracting the said debt, but the said debentures to be issued hereunder shall be valid and effectual and binding to all intents and purposes on the Corporation of the City of Toronto, notwithstanding any of the provisions of the Municipal Act, or of any other Act or Acts in that behalf, have not been complied with.

30. Such debentures, when issued, shall be deposited in some of the chartered banks having an office at Toronto, and the proceeds of such debentures shall be paid into some chartered bank and kept separate from any other funds of the said city, and the same shall only be paid out on the cheque of the mayor and chamberlain, for the time being, of the City of Toronto, and the chairman, for the time being, of the said board of water commissioners as may, from time to time, be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and for the payment of interest accruing due on the said debentures during the period of the erection and completion of the said water works; Provided also that nothing herein contained shall prevent the commissioners, should they deem it advantageous so to do, from paying the contractor or contractors or others in debentures, either at par or at such rate of discount as the commissioners shall, in their judgment, deem advisable,

Dealing with
debentures.

with the assent of the Corporation of the City of Toronto thereto, nor from selling or negotiating the same, as to them may seem most expedient and advantageous to the interests of the City of Toronto.

Preferential
lien.

31. The said water works to be erected and constructed under this Act, and also the land to be acquired for the purposes thereof, and every matter and thing therewith connected shall be, and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon; and all, each and every of the holders of the debentures in the last previous section mentioned shall have a preferential pledge, mortgage, hypothec or privilege on the said lands, water works and property appertaining thereto for securing the payment of the said debentures and the interest thereon.

Application of
revenue.

32. That after the construction of the works all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said water works to be acquired by this said corporation or commissioners under this Act shall, after providing for the expenses attendant upon the maintenance of the said water works be paid over to and deposited monthly with the chamberlain of the said Corporation of the City of Toronto, as hereinbefore provided, and shall make part of the general funds of the corporation, and may be applied accordingly.

Power of the
City to borrow
not diminished.

33. That nothing in this Act contained shall extend or be construed to extend to diminish the power and authority of the corporation aforesaid hereafter to borrow on the credit of the said city, for the general uses and purposes of the said city, as fully and effectually as though the said city were not indebted for the building of the water works as aforesaid, or that debentures had not been issued by them for the amount, or as if this Act had not been passed, any Act, statute or law or provision thereof to the contrary notwithstanding.

Taxation, ex-
emption from.

34. The lands, buildings, machinery, reservoirs, pipes and all other real or personal property connected with, or appertaining or belonging to the water works, shall, from henceforth, be exempt from taxation.

Actions, limi-
tations for.

35. If any action or suit shall be brought against any person or persons, for anything done in pursuance of this Act the same shall be brought within six calendar months next after the Act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

36. The watchman and other officers of the water commissioners, when in discharge of their duty, shall be *ex-officio* possessed of all the powers and authority of officers of the peace.

Officers to be officers of the peace.

37. This Act shall not have any force or effect until the council of the Corporation of the City of Toronto shall pass a by-law authorizing the construction of the said water works; and, on the said by-law being finally passed, it shall be lawful for the mayor of the said city, and he is hereby authorized and required, within fifteen days after the passage of said by-law, to issue his warrant, under the corporate seal, requiring the senior returning officer for each ward in the said city appointed to hold the last municipal election for each of the said wards, or any other person duly appointed to that office to hold an election of the water commissioners for each electoral division of the said city, each of whom who shall be possessed in his own right or in right of his wife of a legal or equitable freehold within the City of Toronto of the value of three thousand dollars, over and above all incumbrances, or six thousand dollars in leasehold estate, and who shall, before taking office, make oath to such qualification before some justice of the peace of the City of Toronto or in the County of York, and those persons only who would be, by the municipal law, authorized to vote at municipal election for Alderman, shall be entitled to vote for the said Water Commissioner in their electoral division; the returning officer shall hold such election at furthest within eight days after receiving the warrant, and shall, at least four days before the election, post up a public notice thereof, under his hand, in at least four of the most public places in each ward for the electoral division in which the election is to be held, and the proceedings at any such election shall otherwise be in accordance with the requirements of the Municipal Institutions Act in case of Municipal Elections.

By-law for construction to be submitted to electors.

38. There shall be five commissioners, of whom the mayor of the City of Toronto shall be *ex-officio* one, and four of whom shall be elected by the citizens, two from each electoral division of the City of Toronto, as at present defined, in manner and for the term hereinafter mentioned and provided, and each of whom during the construction of the said works shall receive the sum of one thousand two hundred and fifty dollars per annum, except the president or chairman of such commissioners, who shall receive the sum of two thousand dollars per annum, and who shall be elected from amongst the said commissioners at the first meeting after their appointment or election, by a vote of the majority of the said commissioners; and after the completion of the said works, the remuneration of the said commissioners shall be such as the Council of the Corporation of the City of Toronto may by by-law determine.

Commissioners, number of, salary, etc.

39. The said water commissioners, except as herein otherwise provided, shall hold office for the term of two years, and shall

Term of office and election of Commissioners

shall be elected to the said office at the same time and in the same manner as aldermen; and all the provisions and remedies of the several Municipal Acts, and any amendments thereto, shall apply in all particulars, not inconsistent with this Act, as to elections, unseating, filling vacancies, grounds of disqualification and such other provisions as may be contained in such Acts; Provided that the commissioners first elected and appointed, as above provided, shall hold office until the third Monday in January. A.D. one thousand eight hundred and seventy-four, and thereafter shall be elected every second year, except the mayor for the time being, who shall thereafter be appointed *ex-officio* from year to year, and any alderman shall be eligible for election as a water commissioner, and any water commissioner for alderman.

Time for completion.

40. The said works shall be constructed, completed or finished within three years from the passing of said by-law by the said Corporation of the City of Toronto.

Work to be by contract.

41. All work under the commissioners shall be performed by contract.

No Commissioner to be interested.

42. No commissioner or alderman shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same or any of them.

When Commissioners may purchase.

43. The said commissioners shall not purchase or acquire any existing water works, or make any other purchase where the amount involved shall exceed one hundred thousand dollars, without the consent of the Council of the Corporation of the City of Toronto.

CAP. LXXX.

An Act for the construction of Water Works for the City of Ottawa.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the corporation of the City of Ottawa has passed a by-law for the construction of water works and for the issuing of debentures for the raising of the sum of four hundred thousand dollars for the said purpose, under the provisions of the Municipal Act of 1866, and the ratepayers of the said city have assented thereto; And whereas the corporation of the City of Ottawa have by petition represented that the said sum will not be sufficient for that purpose, and for the payment of the interest on the said debentures during the progress of the works; and that they were unable to pass a by-law for a larger amount by reason of the provisions of the Municipal Act which limited

limited their power of taxation, and that in order to carry out the works effectively it is necessary to obtain an Act of the Legislature for that purpose, and to repeal the said by-law and authorize the said corporation to pass a by-law to raise the sum of five hundred thousand dollars under and subject to the provisions of this Act, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said by-law shall be null and of no effect, and the persons hereafter to be elected in the manner provided for in this Act, and their successors, shall be a body corporate under the name of “Water Commissioners for the City of Ottawa,” and shall have all the powers necessary to enable them to build the water works hereinafter mentioned, and to carry out all and every the powers conferred on them by this Act. Incorporation.

2. It shall be the duty of the said commissioners to examine, consider and decide upon all matters relative to supplying the said City of Ottawa with a sufficient quantity of pure and wholesome water for the use of its inhabitants, and also to build and construct the necessary water works, buildings, machinery, and other appliances requisite for the said object. Duties of Commissioners.

3. The said commissioners shall have power to employ engineers, surveyors, and such other persons, and to rent or purchase, with the assent and approval of the corporation of the City of Ottawa, such lots, buildings, privileges and yards, as in their opinion may be necessary to enable them to fulfil their duties under this Act. Powers of Commissioners.

4. It shall and may be lawful for the said commissioners, their agents, servants and workmen, from time to time and at such times hereafter as they shall see fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate, in the City of Ottawa, or within five miles of the said city, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said water works ; and also to divert and appropriate any spring or stream of water thereon, as they shall judge suitable and proper ; and to contract with the owners or occupiers of the said lands, and those having an interest or right in the said water, for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said water works commissioners ; and in case of any disagreement between the said commissioners and the owners or occupiers of such lands, or any persons having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of purchase or value thereof, or as to the damages such appropriation shall cause to them, or otherwise, the same shall be decided by three arbitrators Power to acquire lands.

Differences to be referred to arbitration.

Lands of infants, &c.	<p>tors to be appointed as hereinafter mentioned, namely,—the commissioners shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall, within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the judge of the county court of the County of Carleton shall, on application by either party, appoint such third arbitrator. In case any such owner or occupier shall be an infant, married woman, or insane, or absent from this Province, the judge of the county court of the County of Carleton, on application being made to him for that purpose by the commissioners, shall nominate and appoint three indifferent persons as arbitrators; The arbitrators, to be appointed as hereinbefore mentioned, shall award, determine, adjudge and order the respective sums of money which the said commissioners shall pay to the respective persons entitled to receive the same; and the award of the majority of the said arbitrators shall be final: And the said arbitrators shall be and they are hereby required to attend at some convenient place at or in the vicinity of the said city, to be appointed by the said commissioners, after eight days' notice given for that purpose by the said commissioners, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and each arbitrator shall be sworn before some one of Her Majesty's justices of the peace in and for the said County of Carleton, or the said city, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties to the best of his judgment; Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench in the same manner and on the same grounds as in ordinary cases of arbitration; in which case a reference may be again made to arbitration as hereinbefore provided; and that any sum so awarded shall be paid within three calendar months from the date of the award or determination of any motion to annul the same; and in default of such payment the proprietor may resume the possession of his property and all his rights shall thereupon revive; and the award of a majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.</p>
Award of arbitrators.	
Meeting of arbitrators.	
Oath of arbitrators.	
Setting aside award.	
Lands, &c., acquired by commissioners to be vested in the corporation of Ottawa	<p>5. The lands, privileges and water which shall be ascertained, set out or appropriated by the said commissioners for the purposes thereof as aforesaid, shall thereupon and forever thereafter be vested in the corporation of the City of Ottawa and their successors; and it shall and may be lawful for the said commissioners and their successors to construct, erect and maintain in and upon the said lands all such reservoirs, water works and machinery requisite for the said undertaking, and to convey the waters thereto and therefrom in, upon, or through any of the grounds and lands lying intermediate between the said reservoirs and water works, and the springs, streams, rivers or lakes,</p>
Construction of works, laying pipes, &c.	

Penalty.

water, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof before any justice of the peace having jurisdiction within the locality where the offence shall be committed, forfeit and pay for every such offence the sum of twenty dollars, together with the costs of conviction, one-half to be applied to the use of the commissioners for water works purposes, and the other half to him or her who shall lay the information; and in case the parties suing for the same shall be the commissioners themselves, or any of their servants, officers, agents or workmen, then the whole of the said penalty shall be applied to the uses of the commissioners for water works purposes; and such justice may also, in his discretion, further condemn such person to be confined in the common gaol of the County of Carleton for a space of time not exceeding one calendar month, as to such justice shall seem meet; and such person or persons so offending shall also be liable to an action at law, at the suit of the commissioners, to make good any damage done by him, her, or them.

Exemption
from execution

7. All materials procured, or partially procured, under contract with the commissioners shall be exempt from execution.

Books and
accounts of
commissioners

Annual
statement.

8. The said commissioners shall be, and they are hereby required to keep, or cause to be kept, separate books and accounts of the receipts and disbursements for and on account of the said water works, distinct from the books and accounts relating to the other property, funds or assets belonging to the said water works; and all such books shall be open to the examination of any person or persons appointed for that purpose by the corporation of the City of Ottawa, or any member of the said corporation; and shall annually on or before the first day of December in each and every year, cause a statement of the affairs of the said water works to be published in the official newspaper of the said city, in the English and French languages, wherein shall be stated the amount of the rents, issues and profits arising from the said water works; the number of tenants supplied with water; the extent and value of the real and immovable property thereunto belonging; the amount of debentures then issued and remaining unredeemed, paid, cancelled, and the interest paid thereon or yet due, and the state of the sinking fund; the expenses of officers and management, and all other contingencies, salaries of servants; the cost of repairs, improvements and that may be the prices paid for the acquisition of any real estate and generally be acquired for the use of the said water works; and the said such a statement of the revenue and expenditure of the said water works as will at all times afford to the citizens of the said City of Ottawa a full and complete knowledge of the state of the affairs of the said water works, and such other information as may be required by the corporation of the City of Ottawa, who

who shall annually, at their first meeting in December, appoint auditors to audit said books and accounts.

Appointment
of auditors.

9. The said commissioners and the clerks employed in their service shall be sworn before a justice of the peace to the faithful performance of their duties; and they shall keep a book for the purpose of recording the whole of their official proceedings, which said book shall be open for inspection as the books in the preceding section mentioned.

Oath to be
taken by com-
missioners and
their clerks.

10. The board of commissioners for the time being shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof and the times of payment; and they may erect such number of public hydrants and in such places as they shall see fit; and direct in what manner and for what purpose the same shall be used, all which they may change at their discretion; Provided always, that all hydrants, conduits, or other appliances required and furnished for the purpose of extinguishment of fires shall be placed as the corporation of the City of Ottawa shall direct, and shall be under their exclusive control and discretion when erected.

Regulations
for use of
water.

Location of
fire hydrants:

11. The commissioners shall have power and authority and it shall be their duty from time to time to fix the price, rate or rent (such price, rate or rent not being less, after the completion of the water works, than sufficient to pay the interest and sinking fund upon the debentures issued for the construction of water works and the expenses of maintaining and working the same), which any owner or occupant of any house, tenement, lot, or part of a lot, or both, in, through, or past which the water pipes shall run, shall pay as water rate or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment and to any special benefit and advantage derived by such owner and occupant, or conferred upon him or her or their property by the water works, and the locality which the same is situated; and such water rate or rent as shall be assessed by such commissioners upon such owner or tenant, shall be and continue a lien and charge, unless paid, upon such real estate; and the water commissioners shall also have power and authority, from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire-plugs and fire buildings.

Water rate.

12. The commissioners shall have power and authority to lay on a rate upon every vacant lot of land in the City of Ottawa, fronting on a street under which the water pipes shall be placed, and the pipes run past the said lot, be rated and assessed by the said commissioners, due regard being had to the assessment of the lot to the advantage which the said lot shall derive from water works.

Assessment on
vacant lots.

13. The commissioners shall have full power from time to time

By-laws re-
time

garding water rates.

Rate to be paid to the chamberlain.

Enforcing payment of rate.

time to make and enforce all necessary by-laws, rules and regulations for the collection of the said water-rent and water-rate, and for fixing the time and times (which shall be quarterly) when, and the places where, the same shall be payable; and the said water-rents and water-rates when collected shall be paid over to the chamberlain of the City of Ottawa, and by him placed to the credit of the water works account; for allowing a discount for pre-payment; and in case of default in payment to enforce payment by shutting off the water, or by suit at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods or chattels in his possession, wherever the same may be found within the City of Ottawa or the County of Carleton, or of any goods or chattels found on the premises, the property of or in the possession of any other occupant of the premises; Provided that such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of city taxes, and the costs chargeable shall be those payable to bailiffs under the Division Court Act; and provided further, that the attempt to collect such rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon the said premises.

Appointment, &c., of collectors and assessors.

14. The commissioners shall have power to employ the city collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons not being city officials shall hold their offices under the commissioners at the pleasure of the commissioners, and shall give such security as the commissioners shall from time to time require; and such collectors and assessors shall have as full power as the collectors and assessors in the cities of the Province of Ontario do now possess and enjoy.

Using water without consent of commissioners.

15. If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water works, or in any way obtain or use any water thereof without the consent of the commissioners, he or they shall forfeit and pay to the commissioners for water works purposes the sum of one hundred dollars, and also a further sum of five dollars for each day such pipe or main shall so remain,—with said sum, together with costs of suit, in that behalf, may be covered by civil action in any court of law in the Province, civil jurisdiction to that amount.

Fouling the water.

16. If any person shall bathe, or wash or cleanse, cloth, wool, leather, skin or animals, or place any nuisance above the thing in the river within the distance of three miles of the source of supply for such water works, in any of the said ponds, sources or fountains from which the water for such water works is obtained,—or shall convey or cause or throw, or put any filth, dirt, dead carcasses or other noisome or offensive

offensive things therein, or within the distance as above set out, or cause, permit or suffer the water of any sink, sewer or drain, to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any wise tainted or fouled, every such person shall on conviction thereof before any justice of the peace, on the oath of one credible witness, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty dollars, together with costs,—one-half to be applied for water works purposes, and the other half to him or her who shall lay the information: and in case the party laying such information be the commissioners themselves or any of their officers or servants, then the whole of the said penalty shall be applied to the uses of the commissioners, for water works purposes, and such justice shall also in his discretion further condemn such person to be confined in the common gaol for a space of time not exceeding one calendar month, with or without hard labour, as to him may seem meet.

17. It shall and may be lawful for the commissioners, and they are hereby authorized and empowered to make such by-laws as to them shall seem requisite and necessary for prohibiting, by fine not exceeding twenty dollars for water works purposes, or imprisonment not exceeding one calendar month, (the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment, with or without hard labour, being always in the discretion of the justice of the peace before whom any proceeding may be taken for enforcement thereof,) any person being occupant, tenant or inmate of any house supplied with water from the said water works from vending, selling or disposing of the water thereof; from giving it away or permitting it to be taken or carried away; or from using or applying it to the use or benefit of others, or to any other than his, her or their own use and benefit; or from increasing the supply of water agreed for with the said commissioners; or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent and nature of the supply of water to be provided and supplied by the said works; the tenement or parties to which and to whom the same shall be furnished; the price or prices to be exacted therefor; and each and every other matter or thing relating to or connected therewith which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the city a continued and abundant supply of pure and wholesome water; and to prevent the practising of frauds upon the commissioners with regard to the water so to be supplied.

18. In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken, the commissioners are empowered to lay the service-pipe across such vacant space, and charge the cost of the same to the owners of the premises,—such charge to be payable

Penalty.

By-laws to prohibit the sale of water or frauds upon commissioners.

Service pipes may be laid, and cost charged to the owners of the premises.

able with the first payment of water-rates, and to be collected in the same manner from the said owner.

Service pipes,
&c., to be
under control
of commis-
sioners.

19. The service-pipe from the line of the street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks and apparatus placed thereon by the commissioners, shall be under their control, and if any damage be done to this portion of the service-pipe or its fittings, either by neglect or otherwise, the commissioners may repair the same and charge the same to the occupant or owner of the premises; the stop-cock placed by the commissioners inside of the wall of the building shall not be used by the water tenant except in case of accident, or for the protection of the building or the pipes, and to prevent flooding of premises.

Stop-cocks,
use of.

Taps.

20. All parties supplied with water by the commissioners may be required to place only such taps for the drawing and the shutting off the water as may be approved of by the commissioners.

Non-liability
of
commissioners
for damages
from the break-
ing of pipes.

21. Neither the water commissioners nor the corporation of the city shall be liable for damages caused by the breaking of any service-pipe or attachment, or for any shutting off of the water to repair mains or to tap the pipes, provided notice be given of the intention to shut off the water, when the same is shut off more than six hours at any one time.

Officers of the
commissioners
may inspect
buildings.

22. It shall be lawful for the officers of the water commissioners and every person authorized by them for that purpose to have free access at proper hours of the day and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Obstructing
hydrants.

23. If any person or persons not being in the employment of the water commissioners or not being a member of the fire brigade of the said city, and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stop-cock, chamber or hydrant-chamber by placing on it any building material, rubbish, or otherwise, every such person shall, on conviction before any of Her Majesty's justices of the peace, forfeit and pay for each offence a sum not exceeding twenty dollars, for water works purposes, or in default of payment to be imprisoned in the gaol of the county for a term not to exceed thirty days, with or without hard labour; and each time the said hydrants are so interfered with, and each day said obstruction shall continue shall be considered a separate offence.

Penalty.

Quorum of
commissioners.

24. A majority of the said commissioners shall constitute a quorum for the transaction of any business allowed or required by the powers or duties of their commission.

25. The said commissioners shall have the full, entire and exclusive possession, control and management of the said lands and water works, and all things appertaining thereto; and shall and may in the name of the commissioners of water works for the City of Ottawa prosecute or defend any action or actions, suit or suits, or process at law or in equity, against any person or persons, for money due for the use of the water, for the breach of any contract, express or implied, touching the execution or management of the works, or the distribution of the water, or of any promise or contract made to or with them, and also for any injury, damage, trespass, spoil, nuisance or other wrongful act done, committed, or suffered to the said lands, works, water courses, sources of water supply, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water.

Powers of
commissioners.

26. The water commissioners are hereby empowered to arrange with the corporation or with individuals for the extension of pipes in suburbs or partially built portions of the city, by allowing a deduction from the price charged for the water to such extent as the commissioners shall see fit on the cost of the said pipes when laid by the parties under the direction of the commissioners and subject to their approval; or the commissioners may lay the pipes, charging the said parties in addition to the usual water rate a yearly interest upon the cost of such extension, which interest, or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates.

Extension of
water pipes to
city suburbs.

27. The water commissioners shall have power and authority to supply any corporation, person or persons with water although not resident within the City of Ottawa, and may exercise all other powers necessary to the carrying out of their agreements with such persons as well within the townships of Nepean, Gloucester and the incorporated village of New Edinburgh as within the City of Ottawa; and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory; provided that no power or authority shall be exercised under this clause without the consent and approbation of the corporation of the City of Ottawa.

Supplying
water to others
than residents
of the city of
Ottawa.

28. The commissioners and their officers shall have the like protection in the exercise of their respective offices and in the execution of their duties as justices of the peace now have under the laws of this Province.

Commissioners
to have same
protection as
justices of the
peace.

29. For the purpose of constructing the said water works, and paying the interest on the said debentures during the progress of the works, and expenses attendant thereon, the corporation of the City of Ottawa shall have power to pass a by-law to authorize the issue of debentures of the said the corporation.

Corporation of
Ottawa may
issue debentures for
\$500,000 for
the water
works.

Sinking fund.

By-laws need
not conform to
the Municipal
Act.

poration of the City of Ottawa for a sum of money not exceeding five hundred thousand dollars of lawful money of Canada, in such sums, not less than one hundred dollars, as shall to the said corporation seem expedient; which debentures shall be made payable in manner and at the times following, that is to say: eighty thousand dollars, part thereof, shall be made payable in ten years after the issue thereof; seventy thousand dollars, other part thereof, shall be made payable in fifteen years after the issue thereof; eighty thousand dollars, other part thereof, shall be made payable in twenty years after the issue thereof; one hundred thousand dollars, other part thereof, shall be made payable in twenty-five years after the issue thereof; and one hundred and seventy thousand dollars, the residue thereof, shall be made payable in thirty years after the issue thereof; which debentures shall bear interest after the rate of six per cent per annum; such interest to be payable half-yearly; and such debentures shall be signed by the mayor and chamberlain of the said city for the time being; and may be made payable either in sterling or currency, in this Province, in Great Britain, or elsewhere, as to the council of the corporation of the City of Ottawa shall seem expedient or necessary: and the said commissioners and their successors shall, for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on same semi-annually, raise annually, after the completion of the said works, the sum of thirty-seven thousand five hundred dollars during the first ten years; and shall raise annually the sum of thirty-five thousand dollars during the following five years; and shall raise annually the sum of thirty-six thousand dollars during the then following five years; and shall raise annually the sum of thirty-six thousand six hundred dollars during the then next following five years; and shall raise annually the sum of thirty-seven thousand seven hundred dollars during the then next following five years; and it shall not be necessary for the corporation of the City of Ottawa to order by the said by-law any special or other rate per annum to be settled, imposed or levied in each or any year, to pay the principal and interest on such debentures; nor shall it be necessary to submit the said by-law to the ratepayers for their approval, nor shall it be necessary to obtain the consent or approval of the Lieutenant-Governor of this Province in Council, before contracting the said debt or passing the said by-law; but the said by-law and the debentures to be issued thereunder, shall be valid and effectual, and binding to all intents and purposes on the corporation of the City of Ottawa, notwithstanding that the provisions of the Municipal Act or any other Act or Acts in that behalf have not been complied with; and provided also that should the said Commissioners and their successors fail or neglect to raise the amount required to provide the sinking fund for the payment of said debentures, and the interest accruing thereon annually, it shall then be the duty of the Corporation of the City of Ottawa, and they are hereby authorized

authorized and required to raise the amount necessary to meet the sinking fund and interest, in like manner as the Commissioners are authorized and obliged to do under this Act.

30. Such debentures when issued shall be deposited in some of the chartered banks having an office at Ottawa, and shall be negotiated through some chartered bank; and the proceeds of such debentures shall be paid into some chartered bank at its Ottawa branch, and kept separate from any other funds of the said city; and the same shall only be paid out on the cheque of the mayor and chamberlain for the time being of the City of Ottawa, and the chairman for the time being of the said board of water commissioners, as may from time to time be required for the payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and for the payment of interest accruing due on the the said debentures during the period of the erection and completion of the said water works; *Provided also, that nothing herein contained shall prevent the commissioners, should they deem it advantageous so to do, to pay the contractor or contractors, in debentures, either at par or at such rate of discount as the commissioners shall in their judgment deem advisable, with the assent of the Council of the corporation of the City of Ottawa thereto.*

Deposit and application of proceeds of debentures.

Provido.

31. The said water works to be erected and constructed under this Act, and also the land to be acquired for the purposes thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon; and all, each and every of the holders of the debentures in the last previous section mentioned shall have a preferential pledge, mortgage, hypothec or privilege on the said lands, water works and property appertaining thereto, for securing the payment of the said debentures and the interest thereon.

Holders of debentures to have a lien upon the works.

32. That all the revenues arising from or out of the supplying of water or from the real or personal property connected with the said water works to be acquired by this said corporation or commissioners under this Act, shall, after providing for interest accruing on the said debentures issued by the said corporation in pursuance of this Act, and the expenses attendant upon the maintenance of the said water works be deposited with the sinking fund and shall become part of the same; and the said corporation or commissioners are hereby strictly prohibited and enjoined from applying any surplus revenue arising from the water works, to any other purpose whatsoever, until the whole of the said debt and interest shall have been fully and completely discharged and extinguished, after which surplus

Revenues from water works, how applied.

plus revenue shall make part of the general funds of the corporation and may be applied accordingly.

This Act not to limit the power of the corporation to borrow money.

33. That nothing in this Act contained shall extend or be construed to extend to diminish the power and authority of the corporation aforesaid, hereafter to borrow on the credit of the said city, for the general uses and purposes of the said city, as fully and effectually as though the said city were not indebted for the building of the water works as aforesaid, or that debentures had not been issued by them for the amount, or as if this Act had not been passed, any Act, statute or law or provision thereof to the contrary notwithstanding.

Works, &c., to be exempt from taxation.

34. The lands, buildings, machinery, reservoirs, pipes and all other real and personal property connected with, or appertaining or belonging to, the water works, shall from henceforth be exempt from taxation.

Limitation of time for commencement of suits.

35. If any action or suit shall be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed; or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

Powers of watchmen, &c.

36. The watchman and other officers of the water commissioners, when in discharge of their duty, shall be *ex-officio* possessed of all the powers and authority of officers of the peace.

Act not to take effect until by-law passed by the corporation.

37. This Act shall not have any force or effect until the council of the corporation of the City of Ottawa shall pass a by-law authorizing the construction of the said water works; and on the said by-law being passed, it shall be lawful for the mayor of the said city, and he is hereby authorized and required, within fifteen days after the passage of said by-law, to issue his warrants under the corporate seal, requiring the returning officer for each ward in the said city, appointed to hold the last municipal election for each of the said wards, or any person duly appointed to that office, to hold an election of one water commissioner, for each ward in the said city, who shall be possessed to his own use of a legal or equitable freehold within the City of Ottawa, of the value of four thousand dollars over and above all incumbrances, and who shall before taking office make oath to such qualification before some justice of the peace of the City of Ottawa or in the county of Carleton; and those persons only who would be by the municipal law authorized to vote on the said by-law, had the same been submitted to the vote of the rate-payers under the provisions of the municipal law, shall be entitled to vote for the said water commissioner; the returning officer shall hold such election at furthest within eight days after receiving the warrant, and shall at least four days before the election post up a public notice thereof,

Election of water commissioner.

thereof, under his hand, in at least four of the most public places in the ward for which the election is to be held; and the said water commissioners shall hold office until the third Monday in January, in the year one thousand eight hundred and seventy-three.

38. The water commissioners to be elected after the said first election shall hold office for the space of one year, and shall be elected to the said office at the same time and in the same manner as aldermen, and all the provisions and remedies of the Municipal Act of 1866, and any amendments thereto, shall apply in all particulars, as to elections, unseating, filling of vacancies, grounds of disqualification, and such other provisions as may be contained in such Act or amendments.

Term of office and subsequent election of commissioners.

39. No alderman shall be eligible for the office of commissioner, or commissioner for the office of alderman.

Alderman disqualified.

40. The said works shall be constructed within two years of the passing of the said by-law by the said corporation.

When works to be constructed.

41. All work under the said commissioners shall be performed by contract.

Works to be contracted for.

42. No commissioner or alderman shall have or hold any contract or be directly or indirectly interested in the same.

Commissioners not to be interested in contracts.

CAP. LXXXI.

An Act to incorporate The Yorkville Water Works Company.

[Assented to 2nd March, 1872.]

WHEREAS certain inhabitants of the Village of Yorkville, in the County of York, have petitioned for the passing of a law incorporating a company for the purpose of supplying the said village and the inhabitants thereof with water: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. William H. Archer, George C. Moore, John Severn, Robert Wood, John T. Davison, and Cornelius James Philbrick, together with such other persons or corporations as shall under the provisions of this Act become shareholders in the company hereby incorporated, shall be and are hereby ordained and constituted

Incorporation.

stituted a body politic and corporate by the name of "The Yorkville Water Works Company," and by that name they and their successors, shareholders in the said company, shall and may have perpetual succession and a common seal, with power to make, break, and change, the same at pleasure; and shall and may have, enjoy, and exercise by the same name all the powers incident to corporate bodies generally; and shall and may have full power to purchase, take and hold, besides personal property, lands, tenements and other real property for the erection, construction, and convenient use of the water works hereinafter mentioned, and for the purposes and uses generally of the said company; and such lands, tenements, and real property, or any of them, to sell, alienate, and convey, and others in their stead to purchase, take, and hold from time to time for the purposes and uses aforesaid; Provided always, that such lands, tenements, and real property to be holden by the said company shall not exceed fifty thousand dollars in value, and be so holden for the constructing, maintaining and carrying on the works of the said company, and for the purposes, uses, and business operations of the said company, and in and towards accomplishing the same and effecting the objects for which such company is hereby incorporated and not otherwise.

Power to construct.

2. The said company may erect, maintain, and carry on, under the provisions of this Act, all such reservoirs, machinery, and water works, houses and erections, as may be requisite for the said undertaking.

Capital stock.

3. The capital stock of the said company shall be two hundred thousand dollars, to be divided into two thousand shares of one hundred dollars each; and the shares of the said capital stock may, after the first instalment shall have been paid thereon be transferred by the respective persons subscribing or holding the same to any other person or persons; and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said company: and for the purpose of organizing the said company, the persons named in the first section of this Act, shall be provisional directors thereof, and they or a majority of them may cause stock books to be opened, upon which stock books shall be recorded the subscriptions of such persons as desire to become shareholders in the said company.

Provisional directors.

Election of directors.

4. When and so soon as fifty thousand dollars of the said capital stock shall have been taken and subscribed, and ten per cent. thereof paid thereon, it shall be lawful for the said provisional directors or any of them to call a general meeting of the said subscribers by a notice therefor, to be inserted at least ten days previously to the time of meeting, in one of the daily newspapers published in the City of Toronto, specifying the time and place in the Village of Yorkville, where such meeting shall be held; and at such general meeting the shareholders present,

present, either in person or by proxy, who shall have paid five per cent upon the stock subscribed by them, shall elect seven persons to be directors of the said company, each such holder to be elected, being a holder of not less than twenty shares in the said company; and the said directors may then forthwith or at any subsequent meeting of themselves elect from among their own number a president of the said company; and such directors and president shall continue in office until the first Monday in February, in the year then next following their election.

5. On the said first Monday in February, and on every first Monday in February in each succeeding year, a general meeting of the shareholders of the said company shall be held in the office of the said company, or in such other place, and at such hour as the president or directors of the said company shall appoint; at which meeting the shareholders present in person or by proxy shall elect from among themselves seven persons holding not less than twenty shares in the said company, to be directors in the room of the directors for the then past year, who shall be eligible for re-election; and such directors so elected may then forthwith or at any subsequent meeting of themselves elect one of their number to be the president of the company.

General meetings.

Annual election of directors.

6. In the election of directors, and in the transaction of business at all meetings of shareholders, each shareholder shall be entitled to as many votes as he holds shares.

Votes.

7. Any four of the directors shall form a quorum for the transaction of business; and the president, or in his absence a chairman chosen by the directors present shall preside at the meeting of the directors; and the president or chairman, shall, in addition to his vote as a director, have also a casting vote in case of an equality of votes among such directors.

Quorum.
President.

8. In case it should at any time happen that an election of directors should not be made on any day when pursuant to this Act, it should have been made, the said company shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold, and make, an election in such a manner as may be regulated, directed and appointed by the directors for the time being, and the directors in office shall so continue until a new election is made.

Non-election of directors.

9. In case any vacancy should at any time happen amongst the said directors by death, resignation, disqualification or removal during the current year of office from this Province, such vacancy shall be filled for the remainder of the year by the remaining directors, or a majority of them electing in such place or places a shareholder or shareholders eligible for such an office.

Vacancies.

10. The directors shall have power and authority to appoint

Power as to officers.

Borrowing.

Issuing debentures.

a manager, secretary, and treasurer, and such clerks and other persons as may appear to them necessary for carrying on the business of the company, with such powers, and duties, salaries and allowances to each as to the directors may seem advisable ; and also shall have power and authority for the purposes and uses of the company from time to time to borrow money in one sum or several sums from any individual or corporate body willing to lend or advance the same, and may mortgage, pledge, assign or hypothecate to such individual or corporate body the property, real estate, works, rates, revenues, income, rents and future calls of the company, for the repayment of the said sum or sums so borrowed and the interest thereon ; and may issue, scrip or debentures in the name of the company for sums not less than one hundred dollars each ; and the same shall be transferable by delivery merely, and shall with the interest payable thereon form a charge upon the property and income of the company ; Provided always, that the amount to be borrowed by the said company under the forgoing provisions shall not at any time be in excess of one-half the amount of the capital stock paid up.

Power of directors.

11. The directors shall also have power and authority to make and from time to time to alter such by-laws, rules, and regulations to be binding upon the shareholders of the company, as shall appear to them proper and needful, touching the well-ordering of the company, and the management and disposition of its stock, property, estate, and effects ; the calling of special general meetings of the shareholders ; the regulation of meetings of the board of directors ; and all other matters connected with the proper organization of the company, and the conduct of the affairs thereof ; the making of calls upon the subscribed capital stock, at such days, times, and places, and upon such notice as to them shall seem meet and advisable ; the forfeiture of shares upon which any instalment or instalments, call or calls remain unpaid after the days and times for the payment of the same respectively ; the appointment and removal of officers and other persons employed by or for the company ; the regulation of the transfer of stock, and the form thereof ; and empowering the president or other officers to make contracts on behalf of the company, and to affix (if need be) the seal of the company to such contracts ; Provided always, that, all such by-laws, rules, and regulations made by the directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved of by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting ; and provided further, that such by-laws, rules, and regulations do not contravene the provisions of this Act.

Dividends.

12. The directors shall also have power and authority to declare such yearly or half-yearly dividends upon the capital stock

stock of the company, as they may deem expedient out of the profits of the said undertaking.

13. The company, their agents, servants, and workmen, may after two days' notice in writing to the reeve or clerk of the Village of Yorkville, break up, dig and trench so much and so many of the streets and public places of or in the said village, and after the like notice to the reeve or clerk of the Township of York, break up, dig, and trench so much and so many of the roads, streets and public places, of or in the said township, and after the like notice to the mayor or clerk of the City of Toronto, break up, dig, and trench so much of Bloor Street in the said City, as may at any time be necessary for laying down the mains and pipes to conduct the water to and from the works of the company and to the consumers thereof, or for taking up, renewing, altering, or repairing the same, when the company shall deem it expedient, doing no unnecessary damage in the premises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, roads, and public places while the works are in progress, and making such openings on such parts of the said streets, roads, and public places as the surveyor for the said village, township, and city, shall respectively permit and reasonably point out, and placing guards or fences with lighted lamps during the night, and taking all other necessary precautions for the prevention of accidents to passengers and others, which may be occasioned by such openings, and finishing the work and replacing the said streets, roads, and public places in as good condition as before the commencement of the work, without any unnecessary delay.

14. The company and their agents, servants, and workmen, shall have power and authority to enter into and upon the lands of any person or persons, bodies politic or corporate, in the said Village of Yorkville and its vicinity, or in the Township of York, for the purposes and uses of the company, and to survey, set out, and ascertain such part thereof, and to divert and appropriate any spring or stream of water thereon, as the company shall judge suitable and necessary for the purposes and uses of the company, and to contract with the owners or occupiers of such lands, and those having any right or interest in the said water, or in the natural flow of the said water from such springs or streams, or of any part thereof, for the purchase thereof or any part thereof, or of any privilege that may be required for the purposes and uses of the company: and in case of any disagreement between the company and the owners or occupiers of such lands, or the persons having any interest or right in the said water or the natural flow thereof, or of any part thereof, respecting the purchase or value thereof, or as to the damages caused to them by such appropriation or otherwise, the owner or occupier so disagreeing with the company upon the value of the said lands, rights or privileges, or the amount of such damages to nominate and appoint one indifferent

Arbitration.

indifferent person, and for the company to nominate an indifferent person, who together, with one other person, to be nominated by the persons so named, shall be arbitrators to award, determine, adjudge and order the respective sums of money, which the company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said arbitrators shall be, and they are hereby required to attend at some convenient place, at or in the vicinity of the said Village of Yorkville, to be appointed by the company after eight days' notice given for that purpose by the said company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be previously sworn before the judge of the county court for the County of York, well and truly to assess the value or damages between the parties according to the best of his judgment; Provided always, that any award made under this Act shall be subject to be set aside on application to either of the superior courts of common law, at Toronto, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided; and that any sum so awarded shall be paid within six months from the date of the award or determination of any motion to annul the same; and in the event of any party so disagreeing, omitting or refusing to appoint an arbitrator, the judge of the county court of the County of York, may upon application of the company as often as occasion may require, name an arbitrator in his stead; and the award of such arbitrator and those to be named as aforesaid, or a majority of them shall be binding on all parties concerned, subject as aforesaid; Provided always, that upon the application of any person injuriously affected by the work of the said company, by the withdrawal thereby of the water from any river, stream or lake, so as to leave an insufficient quantity for the agricultural or other purposes of the proprietors or occupants of the lands, through or on which such rivers, streams or lakes may pass or be, the Court of Chancery may grant an injunction to restrain the said company from the use of the water of such river, streams or lake, for such time, and upon such conditions as the court shall direct.

Powers as to
carrying pipes

15. Where there are buildings within the said Village of Yorkville or vicinity, the different parts whereof shall belong to different proprietors, or shall be in possession of different tenants or lessees, the said company shall have power to carry pipes to any part of any building so situated, passing over the property of one or more proprietors, or in the possession of one or more tenants, to convey water to that of another, or in the possession of another, the pipes being carried up and attached to the outside of the building, and also to break up and uplift all passages which may be a common easement to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying pipes, or taking up, or repairing the same.

16. All the lands and waters, or the natural flow thereof, which shall be set out, or acquired, or appropriated by the company for the purposes and the uses of the same as aforesaid, shall forever thereafter be vested in the company and their successors; and it shall and may be lawful for the said company to construct, erect, and maintain upon the said land, and in connection with the said water or flow thereof, all such reservoirs, machinery, and water works, requisite for the purposes and uses of the said company, and to convey by a line or lines of pipes the water through any intermediate grounds and lands lying and being between such springs and streams, and the said Village of Yorkville; and the company are hereby empowered to enter upon and pass over such lands, waters, or flow thereof, and the same to cut and dig up if necessary, and to lay down pipes through the same, doing thereby as little damage as may be, and making reasonable and adequate satisfaction to the proprietors, the same to be determined by arbitration as hereinbefore provided, in case of disagreement between the company and the proprietors of the lands, waters, or flow thereof; and after the completion or construction of the said works of the said company, the corporation of the City of Toronto shall not be at liberty to make or construct any works in, or supply water within the said village of Yorkville without the consent of the said corporation of Yorkville.

Lands, etc.,
appropriated
vested in the
company.

Powers as to
construction.

17. The several clauses of the Act intituled "An Act respecting incorporated joint stock companies for supplying cities, towns, and villages, with gas and water," being clauses nine, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-four, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, of the said Act of the Consolidated Statutes of Canada, chaptered sixty-five, shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said Act so incorporated with this Act.

Certain sections of
c. 65, Con.
Stat. Can., to
apply.

18. If any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of or under the provisions of this Act, such action or suit shall be brought within six calendar months after the fact committed, and not afterwards, and the company or duty officer, agent, servant, or workman of the company, in such action or suit may plead the general issue, and give this Act, and the special matter in evidence on the trial.

Limitation for
suits.

19. In case the corporation of the said village of Yorkville decide, as they are hereby empowered to do, upon assuming and undertaking the construction of the said works, the said corporation

Provision in
case the York-
ville corpora-
tion assume
the works.

corporation shall pay and advance to the said company the moneys already expended upon the said works, and the value of the assets and property of the said company, to be ascertained and determined by arbitration, as hereinbefore provided, in case of disagreement between the company and the corporation; and upon payment thereof the said corporation shall acquire, have, hold, possess and enjoy all the rights, privileges and franchises by this Act conferred upon, and be subject to all the liabilities of the said company, and may appoint commissioners for the purposes of carrying out the provisions of this Act, under the name of the said company.

CAP. LXXXII.

An Act to incorporate the Brampton Water Works Company.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS John Haggert, James William Main, Richard Hale Lewis, Roderick Cochrane, Alexander Pattullo, Charles Dawson, William Peaker, and David Lynch Scott, have by their petition represented that the defective supply of water to the Village of Brampton, in the County of Peel, has been a source of inconvenience and danger to the inhabitants thereof, and with a view to the health, comfort and convenience of such inhabitants, it has become necessary to secure to the said village a plentiful supply of pure and wholesome water; and whereas, for the purpose of accomplishing such object, they are desirous of forming with others a company for the purpose of diverting from some of the springs, streams, or rivers in the Townships of Caledon, Esquesing, and Chinguacousy, a sufficient supply of water for the use of the said village, and conveying the same through pipes laid down for that purpose to and throughout the said village; and pray for an Act to incorporate such company; And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said John Haggert, James William Main, Richard Hale Lewis, Roderick Cochrane, Alexander Pattullo, Charles Dawson, William Peaker, and David Lynch Scott, and all other persons who may now or hereafter become subscribers or stockholders in the said company, and all or any other person or persons, body or bodies politic and corporate, who may hold any part, share, or interest in the capital stock of the said company, shall be, and they are hereby constituted a body politic and corporate

corporate under the name and style of "The Brampton Water Works Company," and shall by that name have perpetual succession and a common seal, and by the same name be capable of suing and being sued in all the courts of justice in this Province.

2. The capital stock of the said company shall be twenty thousand dollars, divided into four hundred shares of fifty dollars each; and such capital stock may be increased to any sum not exceeding in the aggregate forty thousand dollars by a vote of at least two-thirds of the shareholders present at any special meeting to be called for that purpose. Capital stock.

3. The said company, their servants, agents, surveyors and workmen, may from time to time, and at such times hereafter as they shall think fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, bodies politic or corporate in the said Village of Brampton, in the Townships of Chinguacousy, Esquesing, and Caledon, and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said Water Works, and also to divert and appropriate any spring or stream of water thereon as they shall judge suitable and proper; and to contract with the owners or occupiers of the said lands and those having an interest or right in the said water for the purchase thereof or of any part thereof, or of any privilege that may be required for the purposes of the said Water Works; and in case of any disagreement between the said company and the owners or occupiers of such lands, or any person having an interest in the said water or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of purchase or value thereof, or as to the damage such appropriation or diversion shall cause to them, such disagreement shall be settled by arbitration in the manner hereinafter mentioned. Powers to appropriate streams, etc.

Arbitration.

4. The land and water, or easements, right of way, or passage, which shall be ascertained, set out, or appropriated by the said company for the purposes of the said Water Works shall thereupon be vested in the said company and their successors; and it shall and may be lawful for the said company to construct, erect, and maintain upon the said lands, all such dams, reservoirs, Water Works, and machinery requisite for the said undertaking, and to convey the waters thereto and therefrom, in, upon, or through any of the grounds or lands lying intermediate between the said Water Works and reservoir, and the springs, streams, or rivers, from which the same are procured, and the said Village of Brampton, by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purposes aforesaid, the said company are hereby empowered to enter and pass upon, and over the said grounds and the lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the Vesting of land, etc., in the company.

Power as to dams, water pipes, etc.

the said pipes through the same, and upon, over, under and through the highways, railroads, and roads of and in the said Townships of Chinguacousy, Esquesing, and Caledon, and through the public ways, streets, lanes, and other passages of the said Village of Brampton, and in, upon, under, and through the lands, grounds, buildings, and premises of any person or persons, bodies corporate or politic, whatsoever, and to set out, ascertain, use, and occupy such part or parts thereof, as they the said company shall think proper for the making and maintaining of the said works, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the said Village of Brampton, or for the uses of the corporation of the said village, or of the proprietors or occupiers of the lands through or near which the same shall pass, and for this purpose to sink and lay down pipes, trunks, reservoirs, and other conveniences; and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said company shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate compensation to the proprietors of such lands for any damage done in the execution of the said powers, any disagreement between the said company, and such proprietors respecting the amount of such damage to be settled by arbitration in the manner hereinafter mentioned; Provided always, that the said company shall not be liable or compelled to pay for any damage caused to any building or property in introducing piping and other fittings for the service of such building or property alone, when the same has been introduced at the request or with the consent of the owner thereof; Provided always, that upon the application of any person injuriously affected by the work of the said company by the withdrawal thereby of the water from any river, stream or lake, so as to leave an insufficient quantity for the agricultural or other purposes of the proprietors or occupants of the lands through or on which such rivers, streams or lakes may pass or be, the Court of Chancery may grant injunctions to restrain the said company from the use of the water of such river, stream or lake, for such time, and upon such conditions as the court shall direct

Arbitration
between the
company and
land owners.

5. In case of any disagreement between the said company and the owners or occupiers of any lands, water privileges, springs, streams or easements assumed, appropriated or damaged by the said company under the powers contained in the third and fourth sections of this Act, respecting the amount of the purchase or value thereof, or the damage thereto, caused by the said company, or in case any such owner or occupier shall be an infant, married woman or insane, or absent from this Province, or in case such lands or water privileges shall be mortgaged or pledged to any person or persons, it shall and may be lawful for the Commissioner of Public Works, and the Warden of the said County of Peel for the time being, upon application being made

made to them by the company, to nominate and appoint three indifferent persons as arbitrators, to award, determine, adjudge, and order the respective sums of money which the said company shall pay to the respective persons entitled to receive the same, the award of a majority of whom shall be final; and the said arbitrators shall, and they are hereby required to attend at some convenient place in or near the said village, to be appointed by the said company after eight days notice to be given by the said company, and then and there to arbitrate and award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested; and the said arbitrators shall have the power to direct that the costs of such arbitration shall be paid by the parties interested, or by the said company, or by all as they shall see fit; and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace, for the County of Peel, any one of whom may be required to attend the said meeting for that purpose, to well and truly assess the value of the damages between the parties to the best of his judgment; Provided always, that any award made under this Act shall be subject to be set aside on application to the Court of Queen's Bench for Ontario, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration in the manner hereinbefore provided; and that any sum so awarded shall be paid within three months from the date of the award or determination of any motion to annul the same; and in default of such payment the proprietor may resume possession of his property, and all his rights shall thereupon revive; and the award of a majority of the said arbitrators shall be binding on all the parties concerned, subject as aforesaid.

Applications
against
awards.

6. Neither the service nor the connecting pipes of the said company, nor any fixtures or fittings belonging to them shall be subject to or liable for rent, nor liable to be seized or attached in any way by the possessor or owner of any premises wherein the same may be, nor be in any way liable to any person for the debt or default of any person to and for whose use, or for the use of any house or building the same may be supplied by the said company, notwithstanding the actual or apparent possession thereof by such person.

Liability of
pipes, etc., for
rent or debts
of others.

7. The said company may regulate the use and distribution of the water from such Water Works, and may contract with any person or persons for the supply to them of water from the said Water Works, at a rate to be fixed by by-law of the said company, subject to the approval of the Lieutenant-Governor in Council; and in case any person supplied by the said company with water from the said Water Works neglects to pay the rent, rate, or charge due therefor to the said company at any of the times fixed for the payment thereof, the said company or any person acting under their authority, on giving forty-eight hours' previous notice may stop the supply of water from entering

Supply of
water, regula-
tion thereof,
and charge
therefor.

ing the premises of the person in arrears as aforesaid, by cutting off the service pipe or pipes, or by such other means as the said company shall see fit, and may recover the rent or charge due up to such time, together with the expense of cutting off such water, in any court of competent jurisdiction, notwithstanding any contract to furnish for a longer time.

Malicious
injuries, etc.,
penalties for.

8. If any person shall wilfully or maliciously interrupt, or cause, or procure to be hindered or interrupted, the said company or their managers, contractors, surveyors, agents, or workmen, or any of them in the exercise of the powers, authorities, and privileges in this Act contained, or if any person shall wilfully or maliciously let off or discharge any water so that the same shall run waste or useless out of the said works, or if any person shall throw or deposit anything, or noisome or offensive matter in the said water or Water Works, or in any way foul the same, or commit any wilful damage or injury to the works, pipes, or water, or encourage the same to be done, every person offending in any of the cases aforesaid, shall, besides being subject to an action at law for such damage or injury be liable to be prosecuted summarily on information and conviction, before a Justice of the Peace, by a fine not exceeding twenty dollars, in the discretion of such Justice, with costs, or in default of payment by imprisonment in a common gaol for a term not exceeding thirty days, and any fines to be imposed as aforesaid shall be applied to the use of the said Water Works Company.

Power to con-
tract with the
village of
Brampton.

9. It shall be lawful for the Municipality of the Village of Brampton to contract with the said company for a supply of water from the said Water Works, for the public uses of the said municipality, at a rate to be agreed upon between the said company and the said municipality.

Village of
Brampton may
take stock, etc.

10. And it shall further be lawful for the said Municipality of the Village of Brampton, to subscribe for and take stock in the said company, to such extent as the said municipality may deem expedient; and the council of the said municipality may pass a by-law for that purpose, and for the purpose of raising the amount necessary to pay for the stock subscribed for by the said municipality, by the issue of debentures of the said municipality payable in twenty years or by equal annual instalments of principal and interest, and for assessing and levying upon all the ratable property in the said municipality, an equal annual special rate sufficient to include a sinking fund for the repayment of the said debentures with interest thereon, payable yearly, or half yearly, or for the payment of the said equal annual instalments and interest; which debentures the said municipality and the reeve and other officers thereof are hereby authorized to execute and issue; Provided always, that no such by-law shall be passed by the council of the said municipality, until the same has received the assent of the ratepayers of the said municipality
in

in the manner provided in the Municipal Act for the creation of debts.

11. The said John Haggert, James William Main, Richard Hale Lewis, Roderick Cochrane, Alexander Patullo, Charles Dawson, William Peaker, and David Lynch Scott, shall be the provisional directors of the said company until replaced by others duly elected in their stead. Provisional directors.

12. The Joint Stock Companies general clauses Consolidation Act, being the Act passed in the session held in the twenty-fourth year of Her Majesty's reign, chaptered eighteen, is hereby made applicable to the said company, and shall be incorporated with and form part of this Act. 24 V., c. 18 applied.

CAP. LXXXIII.

An Act to incorporate The Toronto General Trusts Company.

[Assented to 2nd March, 1872.]

WHEREAS John Gordon, Arthur R. McMaster, John Turner, William Thomson, James Michie, John Shedden, William Mortimer Clark, John C. Fitch, James Scott and William Maclean, of the City of Toronto, Æmilius Irving, and Joseph Price, of the City of Hamilton, and George D. Ferguson, of the Village of Fergus, have petitioned the Legislature that they may be incorporated under the title of the Toronto General Trusts Company, for the purpose of executing trusts; And whereas, it is expedient to grant the prayer of said petitioners: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That John Gordon, Arthur R. McMaster, John Turner, John Shedden, William Thomson, James Michie, William Mortimer Clark, John C. Fitch, James Scott, William Maclean, Æmilius Irving, Joseph Price, and George D. Ferguson, and all and every other person or persons who shall hereafter become stockholders in the said company, shall be and they are hereby created a body corporate by and under the name of "The Toronto General Trusts Company," and by that name shall have perpetual succession, and may sue and be sued in any courts, and have and use a common seal and be capable by law to make and receive all deeds, conveyances, transfers, assignments, and contracts necessary to carry into effect the provisions of this Act, and to promote the objects and design of the said corporation. Incorporation. Name.

Powers of the
Company.

2. The objects of the said corporation shall be and they are hereby authorized to take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred, or conveyed to them with their consent, upon any trust or trusts whatsoever, (not contrary to law,) at any time or times, by any person or persons, body or bodies corporate, or by any court of the Province of Ontario, and to administer, fulfil, and discharge the duties of such trusts for such remuneration as may be agreed on : and they are also authorized to act generally as agents or attorneys for the transaction of business, the management of estates, the collection of rent, interests, dividends, mortgages, bonds, bills, notes and securities for money, and also to act as agent for the purpose of issuing or counter-signing the certificates of stock, bonds or other obligation of any corporation, association, municipality, and to receive and manage any sinking fund therefor, on such terms as may be agreed upon.

Company may
assume certain
trusts.

May be ap-
pointed Trus-
tee by the
Court.

Court may
appoint an
inspector to
report.

Lieut.-Gover-
nor may ap-
point an
inspector to
report.

3. The said company are also authorized to accept and execute the offices of executor, administrator, trustee, receiver, assignee, (other than under any Act relating to insolvency,) guardian of any minor, or of committee of any lunatic; and in all cases when application shall be made to any court in the Province of Ontario for the appointment of any trustee, receiver, guardian, administrator, or committee of any lunatic, it shall be lawful for any such court to appoint the said company with their consent to hold such office or offices; and the accounts of said company as such trustee, receiver, assignee, guardian, or committee shall be regularly settled and adjusted by the proper officers or tribunals; and all proper, legal, usual, and customary charges, costs, and expenses, shall be allowed to the said company for the care and management of the estate so committed to them. In case of such appointment by any court, the said company shall not be required to give any security, but such court, if it deems necessary, may from time to time appoint a suitable person to investigate the affairs and management of said company, who shall report thereon to such court, and regarding the security afforded to those by or for whom its engagements are held, and the expense of such investigations shall be defrayed by the said company, or the court may, if deemed necessary, examine the officers or directors of the said company under oath or affirmation as to the security aforesaid: It shall also be competent for His Excellency, the Lieutenant-Governor, from time to time, when he shall deem it expedient, to appoint an inspector to examine the affairs of the said company, and report to him on the security afforded to those by and for whom its engagements are held as aforesaid; and the expense of such investigation shall be borne by the said company.

Liability of
Company and
stockholders.

4. The liability of the said company to the persons interested in the estate held by the said company as trustee, assignee, executor, administrator, receiver, guardian, or committee as aforesaid,

said, shall be the same as if the said estates had been held by any private person in such capacities respectively, and their powers shall be the same, and the whole of the capital stock of the said company together with its property and effects, shall be taken and considered as security for the faithful performance of their duties as aforesaid, and shall be absolutely liable in case of any default whatsoever, but no shareholder in the company shall be liable to any greater extent than the amount unpaid upon any stock held by him.

5. The said company shall have power to hold real estate Real estate of Company. not exceeding fifty thousand dollars in value for the purpose of providing a suitable office or offices for the transaction of their business.

6. The said company shall have power, and they are hereby Investment of funds. authorized to invest any moneys forming part of their capital or reserve, or accumulated profit in such securities, real or personal, as the directors may from time to time deem expedient; provided nothing in this Act shall authorize the said company to engage in the business of banking.

7. The capital stock of the said company shall consist of four Capital stock. thousand shares, of fifty dollars each, being two hundred thousand dollars with the privilege of increasing the same by a vote of the stock-holders to five hundred thousand dollars; and should the capital stock at any time be increased, the stockholders at the time of such increase shall be entitled to a *pro rata* allotment of such increase.

8. The affairs of the company shall be administered by a Board of Directors. board of not less than seven directors, being severally holders of at least twenty shares of stock, and the office of a director, upon his ceasing to hold that number of shares or becoming insolvent by voluntary assignment or compulsory liquidation, shall immediately cease and be vacated; such directors shall be elected at the first general meeting, and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who if otherwise qualified may always be re-elected; and a majority of the members of such board shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, Vacancies. by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

9. The board of directors shall have full power in all things Powers of directors. to administer the affairs of the company; and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to
make

make from time to time any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company, and their remuneration; the time and place for holding the annual and other meetings of the company, within the Province; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meetings; the site of their chief place of business and of any offices which they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at a general meeting of the company; and every copy of any by-law under the seal of the company, and purporting to be signed by any officer of the company shall be received in all courts of law as *prima facie* evidence of such by-law.

Copies of by-laws to be *prima facie* evidence thereof.

Commencement of business.

10. The said company shall not be entitled to commence business until the whole of the said capital of two hundred thousand dollars shall have been *bona fide* subscribed, and ten per centum of such amount paid in cash, when the stockholders may elect directors to serve until the next annual election, or until their successors shall be duly elected and qualified.

Qualification of directors.

11. No shareholder shall be eligible for election unless he holds in his own right at least twenty shares on which all calls have been paid.

Insolvent directors' seats to be forfeited.

12. Any director becoming insolvent shall *ipso facto* cease to hold office, and his place may be filled, until the next regular election of directors, by a director to be appointed in his place by the board of directors.

Returns to be made to the Legislative Assembly.

13. The company shall make and furnish to the Lieutenant-Governor and to the Legislative Assembly of Ontario, during the first fifteen days of the session in each and every year a full and unreserved statement, verified on oath of the officers of the said company, and of its funds, property and securities.

CAP. LXXXIV.

An Act to enable the Canada Bolt Company to establish its principal place of business at Toronto and for other purposes.

[Assented to 2nd March, 1872.]

WHEREAS the Canada Bolt Company, incorporated by let- Preamble
ters patent under the Great Seal of the Province of Ontario a body corporate and politic, have equipped factories at the Town of Perth and the City of Toronto for the purpose of carrying on the business of "manufacturing and selling carriage, railway and other bolts and nuts and other articles of ironware, and the holding of such real estate, buildings, machinery, tools, implements and other constructions, works and things as may be found of advantage to or necessary in the furtherance of the legitimate objects and interests of said Company;" and are carrying on such business at the places aforesaid; And whereas the charter of the said Company fixes its place of business at Perth, aforesaid, but the said Company have petitioned that their principal place of business may be established at the city of Toronto.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. That the principal place of business of the Canada Bolt Company shall be established at the city of Toronto, and the said Company shall have power to maintain their said factories at Toronto and Perth and carry on their said business at both of the said places and elsewhere in the Province of Ontario. Places of business of Canada Bolt Company.

2. Meetings of the directors and shareholders of the Company may be held from time to time at Toronto or Perth as Meetings when to be held.
may be thought fit.

CAP. LXXXV.

An Act to incorporate the Toronto Dairy Company.

[Assented to 2nd March, 1872.]

WHEREAS James Michie, Henry S. Howland, William T. Aikens, the Hon. Donald McDonald, William H. Howland, Daniel B. Chisholm, William T. Kielly, Joseph Howson and Joseph Birney, have petitioned for an Act of incorporation under the name and title of the Toronto Dairy Company, for the purpose of carrying on the dairy business, supplying milk and cream

cream to the City of Toronto, and other places, the manufacturing of cheese, and the buying and selling of stock necessary for the purpose; and whereas it is expedient to grant the prayer of said petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Incorporation.** 1. That James Michie, Henry S. Howland, William T. Aikens, the Hon. Donald McDonald, William H. Howland, Daniel B. Chisholm, William T. Kielly, Joseph Howson and Joseph Birney, and such other persons as shall hereafter become stockholders in the said undertaking shall be and are hereby created a body corporate, by and under the name of the "Toronto Dairy Company"; and by that name shall have perpetual succession and may sue and be sued in any courts, and have and use a common seal, and be capable by law to make and receive all deeds conveyances, transfers, assignments, and contracts necessary to carry into effect the provisions of this Act, and to promote the objects and design of the said corporation.
- Corporate name.**
- Powers and business of the company.** 2. The said company may carry on the business of dairy farmers and all things pertaining thereto, the buying and selling of cattle and other farm or live stock, the supplying of milk, cream or other dairy produce to the citizens of Toronto, and other places, the manufacturing of cheese and the sale thereof; and for these purposes may acquire and hold by purchase, grant, lease or other legal title, lands in the Province not exceeding four thousand acres; and may erect, construct and maintain thereon all such buildings and erections as the company may deem necessary or for the advantage or benefit thereof.
- Capital stock and shares.** 3. The capital stock of the company shall be the sum of one hundred thousand dollars, in two thousand shares of fifty dollars each; which said capital stock may be from time to time increased as the wants of the company may require, by a two-third vote of the majority of the stockholders at a meeting of the company called for the purpose.
- Increasing capital.**
- How the stock to be paid.** 4. The capital stock shall be paid by the subscribers thereof, when, where and as the directors of the company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per cent. per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and
- If not paid promptly interest to be charged.**
- Forfeiture for non-payment.**

and may be disposed of as the by-laws or votes of the company may provide.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment. Stock, how assignable.

6. Aliens, as well as British subjects and whether resident in this Province or elsewhere may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold all the offices in the said company. Aliens may be shareholders.

7. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy; Provided always the proxy is held by a shareholder not in arrear, and as in conformity with the by-laws. Meetings and manner of voting. Proviso.

8. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least twenty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who, (if otherwise qualified) may always be re-elected; and three members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose. Directors, how elected, and qualification. Vacancies, how filled.

9. The board of directors shall have full power in all things to administer the affairs of the company; and to make or cause to be made any purchase and any description of contract in connection with the business of the company and which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the will of the shareholders of the company, declared at any special or general meeting by the votes of a majority present at such meeting) for regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment Powers of the board.

pointment, functions, duties and removal of all agents, officers, and servants of the company ; the security to be given by them to the company, their remuneration ; the time and place for holding the annual and other meetings of the company, within the Province ; the calling of meetings of the company and of the board of directors ; the quorum ; the requirements as to proxies ; the procedure in all things at such meetings ; the site of their chief place of business and of any other offices they may require to have : the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law : and the conduct in all other particulars of the affairs of the company : but every such by-law and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company ; and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company shall be received in all courts of law as *prima facie* evidence of such by-law.

Copies of by-laws to be *prima facie* evidence thereof.

Provisional directors.

10. Until the first election of such board, the several persons above named shall be a provisional board of directors of the said company, with full power to fill vacancies ; to open stock books ; assign stock ; make calls for and collect instalments ; issue certificates and receipts ; convene the first general meeting of the company, at such time and place within this Province as they shall determine ; and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Company not liable as trustees.

11. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares ; and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company ; and the company shall not be bound to see to the application of the money paid upon such receipt.

Liability of shareholders defined.

12. The shareholders of the company shall not be held responsible personally or individually, for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof.

Shareholders liable for debts due to employees.

13. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof for services performed for such company ; but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against

against the company within one year after the debt became due, and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

14. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company until the contrary be shewn, and shall be valid and binding on the said company in the hands of a bona fide holder for value without notice of the same being unauthorized, whether authorized as aforesaid or not; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same shall be unauthorized, when the parties signing the same shall be liable to the said company for all loss or damage the said company may sustain by reason thereof, or by the payment thereof, and unless any such bill or note shall have been given for wages to servants or employees of the company; **Provided** always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as the notes of a bank.

Negotiable instruments.

Provido.

15. The directors of the said company after the sanction of the shareholders shall have been first obtained at a general meeting to be called for such purpose shall have powers to borrow from time to time for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere, as may be deemed advisable, and to sell the same at such prices as may be deemed expedient; and to hypothecate, mortgage or pledge the

Company may borrow money and issue bonds, &c.

Proviso.

the lands, revenues and other property of the company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company and under the seal of the said company; Provided that the said company shall not be authorized to borrow a sum exceeding one-half the amount of the capital stock then paid up.

Power to hold lands.

16. The company shall have full power under this Act to purchase and hold as part of the property of the said company, and may sell and dispose of the same as occasion may arise, lands and real estate not exceeding, in the whole, four thousand acres.

When to commence business.

17. The company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in, to one of the chartered banks in this Province, to the credit of the company, and not to be withdrawn therefrom except for the purposes of the company; Provided always, that unless operations be commenced under this Act within one year from the passing thereof, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold and to make such conveyance as may be necessary for that purpose.

Proviso : forfeiture for non-user.

CAP. LXXXVI.

An Act to incorporate the Toronto Oil Works Association.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the persons hereinafter named have by their petition represented that they have associated themselves together for the purpose, among others, of acquiring by purchase, lease, license or otherwise, lands bearing or producing oil or petroleum, salt, ores, mines or minerals, and of working the same; and that they have acquired land to the extent of two thousand six hundred acres in the township of Enniskillen in the County of Lambton, in the Province of Ontario, and that they can prosecute their enterprize to greater advantage by the aid of a Charter of Incorporation, and have prayed for the passing of an Act to that end, and it is expedient that such prayer be granted; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Colin Munro, Alister M. Clark, Brooks Wright Gossage, and Nicol Kingsmill, together with such other persons as shall become shareholders in the company, hereby constituted, shall be and they are hereby made a body corporate by the name of The Toronto Oil Works Association. Incorporation.

2. The company hereby established may acquire and hold the lands in the preamble mentioned and may therefor carry on the business of exploring, searching for, working, extracting, manufacturing, converting, refining or otherwise obtaining oil, petroleum, ores, mines or minerals; the sinking of wells, shafts, pits, and the purchasing, erecting and constructing of works, machinery, plant and other things necessary for the above purposes; the making and entering into agreements, for the sale, lease, license, working or otherwise disposing of the whole or any part of the said lands, and the produce derived therefrom, and the oil, petroleum, salt, ores, mines and minerals, under or obtainable from the said lands or otherwise acquired, and whether raw or crude or manufactured or converted or refined, and the executing and finally completing and carrying into full force all such agreements; and generally the doing of such acts or things as are directly or indirectly incidental to the business, or calculated or conducive to the attainment of the above objects or any of them, and the promotion of the interests of the company; Provided, that in case the said company shall sell the said lands or any of them, the said company shall have the power to acquire and purchase from time to time in substitution of such lands so sold other lands in the same and adjoining townships; Provided always that in case of such sale the power of substitution shall apply only so as to vest in the said company an amount of land not exceeding two thousand acres in superficies, so that the quantity of land so substituted and the portion of land remaining unsold of that originally held, shall not together at any time exceed two thousand acres. Business of the company.

3. The capital stock of the company shall be the sum of two hundred thousand dollars, divided into ten thousand shares of twenty dollars each; which said capital stock may be increased from time to time by a two-thirds vote of the majority of the stock-holders at a meeting of the company called for the purpose, but not to exceed in amount four hundred thousand dollars in all. Capital stock.
Provision for increase.

4. The capital stock shall be paid by the subscribers therefor, when, where, and as the directors of the company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors, with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may, by vote, reciting the fact Interest on unpaid calls.

Forfeiture.

fact and duly recorded in their records, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide; Provided always that any notice of call shall be previously published for three weeks in the Ontario Gazette.

Stock to be personalty.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only, and subject to such conditions and restrictions, as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Votes of shareholders.

6. At all meetings of the company, every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy; Provided always, that the proxy is held by a shareholder not in arrear, and is in conformity with the by-laws.

Aliens.

7. Aliens as well as British subjects and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold all offices as directors or otherwise in the said company.

Board of directors.**Qualification.****Election.****Quorum.****Vacancies.**

8. The affairs of the company shall be administered by a board of not less than five directors, being severally holders of at least fifty shares of stock; and the office of a director upon his ceasing to hold that number of shares, shall immediately cease and be vacated; such directors shall be elected at the first general meeting, and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who, if otherwise qualified, may always be re-elected; and a majority of the members of such board shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy, until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors, shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

Powers of the board.

9. The board of directors shall have full power in all things to administer the affairs of the company; and to make or cause to be made, any purchase, and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company), regulating the calling in of instal-

ments

ments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company, and their remuneration; the time and place for holding the annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meetings; the site of their chief place of business in Ontario; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall have force only until the next annual meeting of the company, unless confirmed at a general meeting of the company: and every copy of any by-law, under the seal of the company, and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law.

Confirmation
of by-laws.

Proof of by-
laws.

10. Until the first election of such board, Colin Munro, Alister M. Clark, Brooks Wright Gossage and Nicol Kingsmill, of whom three shall be a quorum, shall be a provisional board of directors for the said company, with full power to fill vacancies and to associate with themselves thereon, not more than three other persons, who upon being so named, shall become provisional directors of the company equally with themselves, to open stock books, assign stock, make calls for and collect instalments, issue certificates and receipts, and convene the first general meeting of the company at such time and place within this Province, as they shall determine.

Provisional
directors.

Quorum.

Powers.

11. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares, and the receipt of the person in whose name the same shall stand in the books of the company, shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not
bound to see
to trusts.

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the amount unpaid upon their shares on the stock thereof, except as in the next clause mentioned.

Limited lia-
bility of mem-
bers.

Shareholders
liable for debts
due to em-
ployees.

13. The shareholders in the company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof, for services performed for such company, but no shareholders in such company shall be personally liable in respect of any such debt, which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due, and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

Power to make
bills of ex-
change and
promissory
notes.

14. The company shall have power to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed, by the president, or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed as the case may be for the company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company; Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as notes of a bank.

Power to
borrow.

15. The directors of the said company after the sanction of shareholders shall have been first obtained, at a general meeting to be called from time to time for such purpose shall have power to borrow from time to time, for the purposes of the company, hereby incorporated, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sums so borrowed, and to make the same payable either in currency or sterling, and at such place or places as may be deemed advisable, and to sell the same at such prices as may be deemed expedient, and to hypothecate mortgage or pledge the lands, revenues, and other property of the company, for the due payment

ment of the said sums, and the interest thereon, but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company, and under the seal of the said company; provided that the said company shall not be authorized to borrow a sum exceeding one half the amount of the capital stock then paid up.

16. The company shall not commence operations under this Act until at least ten per centum of the amount of their capital stock shall have been actually paid in cash and deposited in one of the chartered banks of this Province to the credit of the company. Commence-
ment of opera-
tions.

17. The joint stock companies' clauses consolidation Act of the Province of Canada shall not be construed to apply to the company hereby incorporated. Joint stock
co's. cons. Act
not to apply.

CAP. LXXXVII.

An Act to incorporate The Toronto Life Assurance and Tontine Company.

[Assented to 2nd March, 1872.]

WHEREAS the Honourable John Hillyard Cameron, A. R. Preamble.
McMaster, W. J. Macdonell and Arthur Harvey, of the city of Toronto, Esquires, have petitioned the Legislature of the Province of Ontario, that a Company be incorporated under the name of "The Toronto Life Assurance and Tontine Company," for the purpose of carrying on the business of Life Assurance and of establishing Tontines and Mutual Benefit Societies, and it is expedient to grant their prayer:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The persons hereinafter mentioned, after having complied Incorporation.
with the requirements of this Act as to subscription of stock, and such persons as now are or hereafter shall become shareholders of the said Company, shall be and are hereby created, constituted and declared to be a body corporate and politic by the name of "The Toronto Life Assurance and Tontine Company," and by that name shall have perpetual succession and a common seal, with power to alter and change the same at pleasure, and may sue and be sued, contract and be contracted with in the corporate name aforesaid.

Stock.

2. The stock of the Company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: provided that the Board of Directors may increase the amount of the capital stock at any time or from time to time to an amount not exceeding on the whole five hundred thousand dollars; but no subscriptions to stock shall be legal or valid unless ten per centum thereon shall have been actually and *bona fide* paid thereon, within five days after subscription, into one or more of the Chartered Banks of this Province, to be designated by the Directors, and not to be withdrawn therefrom except for the purposes of the Company.

Liability of
Stockholders.

3. None of the persons or bodies corporate who may subscribe for stock, shall be liable for any further sum than to the extent of the unpaid amount upon the stock subscribed for by them.

Provisional
Directors.

4. Until the first annual election hereafter provided for, the Provisional Board of Directors shall consist of the Honourable John Hillyard Cameron, Lewis Moffatt, Arthur R. M'Master, W. J. M'Donell, Angus Morrison, George Duggan, William H. Brouse, Charles James Campbell, Archibald Cameron, and Alexander T. Fulton.

Powers of
Provisional
Directors.

5. The Provisional Board of Directors shall have power to open stock books at such places as they may direct, and to keep the same open so long as they deem it necessary; and the number of Directors shall continue to be ten until at a general meeting of the shareholders their number be increased or decreased, but their number shall not be more than fifteen nor less than five.

Meeting for
Election of
Board of
Directors.

6. When fifty thousand dollars of the capital stock is subscribed, and five thousand dollars paid in, the Provisional Directors shall by advertisement in one paper published in the City of Toronto, and in the Official Gazette, call a meeting of shareholders to elect a board of directors to manage the affairs of the said Company under this Act.

Powers of
Directors.

7. The Board shall have power to make calls for such sums or amounts and at such times upon the shares of the respective shareholders as they may deem requisite for the purposes and interests of the Company, and to sue for and enforce the payment of the same, and may declare all shares forfeited on which such calls have not been duly paid, and may allot the same or any part thereof to any person or corporation, or sell the same or any part thereof: they shall also have power to fill vacancies in the Board from time to time as they occur, to appoint officers and agents and to fix their remuneration and term of office, and approve of their duties, obligations and securities,

Vacancies
among Direc-
tors.

curities, and to remove or dismiss all officers, and generally to transact all necessary matters and things connected with the business of the Company: but no contract shall be valid unless made under the seal of the Company and signed by the President or Vice-President or one of the Directors, and countersigned by the Manager, except the "Interim receipt of the Company" which shall be binding upon the Company on such conditions as may be thereon printed by direction of the Board. At all meetings of the Directors, a majority of the whole number of the Board shall be a quorum, and all questions before them shall be decided by a majority of votes, and in case of an equality of votes the President, Vice-President or presiding Director shall give the casting vote in addition to his vote as a Director. The Directors may also appoint honorary Directors or local Directors in any city or town in which the Company transacts business, with such duties and powers as they may deem proper for the supervision of the business of the Company in such places: but no person shall be qualified to be elected a Director unless he holds ten shares, nor as local Director unless he holds five shares in the stock of the Company, whereon the calls made shall have been paid.

Meetings of
Directors.

Qualification
of Directors.

8. The Board shall fix the rates at and rules and conditions under which the Company's policies and certificates shall be issued, sold or repurchased, and shall have charge of the investment of the funds of the Company; Provided that no Tontine certificates shall be issued until ten thousand dollars are actually paid in; and no policy of insurance shall be issued until twenty thousand dollars of such capital stock is paid in and invested. It shall be lawful for the Company to invest its funds in the debentures, stocks, or other securities of the Dominion of Canada, or of the Province of Ontario, or in municipal debentures, or in the debentures of any school section, or on the security of real estate or mortgage thereon, or in any loans collaterally secured by any of the above securities or by assignment of its own policies, and may hold such real estate as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts or judgments recovered; Provided that all such real estate shall be sold within ten years from the time of its becoming the absolute property of the Company; And to facilitate the investment of money the Company may lend upon mortgage of real estate, or otherwise, sums repayable by successive instalments combining principal and interest; and although the Company may not hold for its own purposes longer than ten years any real estate other than the buildings in which its offices in various places may be, which it is hereby declared it may hold and possess, it may hold in trust for the purposes of Tontines as long as the said Tontines last, and for seven years thereafter, all manner of property real or personal, under all such forms of trust as are lawful in the case of individuals. But the business of the Company shall be confined to Life and Accident Insurance,

Powers of
Directors.

Issuing of cer-
tificates and
policies.

Investment.

Powers to
acquire and
hold real
estate.

Investment.

Powers to hold
real estate.

Powers of the
Company.

ance, and the formation and administration of classes of Ton-tines, and of Mutual Benefit Societies, except that it may insure against Fire, persons in respect of whose properties it has an interest, and policies for such insurances may be granted in such manner and on such terms as the Board may direct; and the sums to be paid for the use of the money on mortgage may in addition to interest be made to include the premiums for such insurances.

Power to
establish
mutual socie-
ties.

9. The Company may establish Mutual Benefit Societies, or may form distinct classes of Life Assurance policy holders on the mutual principle solely, and in such societies or classes the funds belonging thereto shall be held in trust for such societies or classes only, and the same shall not be held liable for any other obligations of or claim upon the company, nor shall members of such societies or classes so mutually insured have any claim upon the general assets of the company; but the company may set aside a guarantee fund to assist in forming the said societies or classes, subject to such conditions as to rate of interest or repayment as may be at the time determined by the board of directors.

Guarantee
funds.

Power to bor-
row.

10. The Company shall have power to borrow money on the security of its debentures to an amount not exceeding one-half the paid up amount of its capital stock, and ten per cent on the amount of the company's assets requisite for the reinsur-ance of the company's out-standing risks.

Transfer of
shares.

11. The shares of the Company shall be transferable by the parties holding the same, according to the by-laws or rules of the Company; but no share shall be transferred until all calls thereon are paid; and the transmission of interest in any share of the stock of the Company in consequence of the marriage, insolvency or death of the shareholder, or by any other means than the ordinary transfer, shall be proved and regulated in such form as the Board may from time to time direct. And in any action for the recovery of calls or arrears of calls it shall be sufficient for the Company to allege and prove that the defendant, being an owner of shares therein according to the books of the Company, is indebted to the Company in respect of so many shares in the sums due; and at the trial it shall only be necessary to prove that the defendant was owner of shares and that the call was made according to the by-laws or rules of the Company.

Actions for
calls.

Head office.

12. The head office of the Company shall be in the City of Toronto, or elsewhere in the Province of Ontario, as may be determined by the shareholders.

General
meetings.

13. Until otherwise determined by the Board, the books shall be annually balanced, as at the thirty-first day of December. Once in each year and within three months from the first day of Jan-uary

uary a general meeting of shareholders shall be called by the Board, at which a full statement of the Company's affairs shall be submitted; and ten days' notice of such meeting shall be given by advertisement in one newspaper in the place where the head office is, and also by two insertions in the *Ontario Gazette*.

14. At such general meeting, shareholders shall have one vote for each share on which all calls are paid; and votes may be cast in person or by proxy, but no proxy can vote unless he be a qualified shareholder; the shareholders shall at such meeting appoint directors by ballot, but all other proceedings shall be determined by open vote; but the Company shall not be dissolved by failure to elect directors as above. Corporations holding stock in the Company may be represented at such meetings by their chief executive officers (one for every ten shares held), and such officers may be appointed directors although they themselves hold no stock in the Company.

Proceedings
at general
meeting.

Corporation
stockholders.

15. Special meetings of shareholders may be called by the directors, or on the requisition of shareholders holding one-third of the Company's stock; and ten days' notice of such special meetings, stating the objects for which they are called, shall be sent to each shareholder by mail. Lists of the shareholders shall be at all times accessible to any of them.

Special
meetings.

16. The company shall annually within fourteen days after the meeting of the Legislature of the Province of Ontario, make a return of the amount of the capital stock subscribed and paid in, the assets and liabilities of the company in detail, the amount of cash actually received for premiums and from all other sources, the amount of cash paid for claims for lapsed or surrendered policies, for commissions, and all other expenditures, and the amount required to re-insure all out standing risks, stating the table of mortality and the rate of interest on which such calculation is based.

Returns to be
made to the
Legislature.

CAP. LXXXVIII.

An Act to increase the Capital Stock of the Ontario Trust and Investment Company and for other purposes.

[Assented to 2nd March, 1872.]

WHEREAS The Ontario Trust and Investment Company have by their petition prayed that their Act of Incorporation may be amended and it is advisable to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Increase of
capital stock.

1. The capital stock of the said company may be increased to five hundred thousand dollars and such increase may be agreed upon by the shareholders at any annual general meetings or at any meetings specially called from time to time for that purpose by the usual notice for special meetings; and such increase may be agreed on by such proportions at a time as the shareholders shall determine, and shall be decided by a majority of the shareholders present at such meetings either in person or by proxy.

Ten per cent,
to be paid in
stock.

2. No subscription of stock in the capital of the said company shall be legal and valid unless ten per centum shall have been actually and *bona fide* paid thereon, within five days after subscription into one or more of the chartered banks of this Province, to be designated by the said directors; and such ten per centum shall not be withdrawn therefrom except for the purposes of the company, and provided also further, that for every year thereafter, at least ten per centum be paid upon and in respect of all such stock so subscribed.

Allotment of
new stock.

3. Any new stock of the said company to be issued on any such increase of capital stock shall be allotted to the other shareholders of the said company *pro rata* at par or at such premium as shall be fixed by the directors; Provided always, that any of such increased stock which shall not be taken up by any shareholder within three months from the time when notice of the allotment has been mailed to his address by post from Toronto, may be opened for subscription to the public in such manner and on such terms as the directors shall determine.

Application of
premium.

4. The premium, if any, received on any such increased stock shall be carried to the rest or reserved fund of the company.

Agencies of
the company.

5. The company may have offices in any places the directors may direct, and the directors are empowered to appoint agents and clerks to manage such offices.

General
meetings.

6. Annual general meetings and special general meetings of shareholders of the company shall be called by public notice advertised for at least one month in one or more of the newspapers published in Toronto and in the *Ontario Gazette*.

Powers of the
Company.

7. The said company shall be and they are hereby authorized to take receive and hold all estates and property, real and personal which may be granted, committed, transferred or conveyed to them with their consent, upon any trust or trusts whatsoever, (not contrary to law,) at any time or times, by any person

person or persons, body or bodies corporate, or by any court of the Province of Ontario, and to administer, fulfil, and discharge the duties of such trusts for such remuneration as may be agreed on; and they are also authorized to act generally as agents or attorneys for the transaction of business, the management of estates, the collection of rent, interests, dividends, mortgages, bonds, bills, notes and securities for money, and also to act as agent for the purpose of issuing or countersigning the certificates of stock, bonds or other obligation of any corporation, association, or municipality, and to receive and manage any sinking fund therefor, on such terms as may be agreed upon.

Company may assume certain trusts.

8. The said company are also authorized to accept and execute the offices of executor, administrator, trustee, receiver, assignee, (other than under any Act relating to insolvency,) guardian of any minor, or of committee of the estate of any lunatic; and in all cases when application shall be made to any court in the Province of Ontario for the appointment of any trustee, receiver, guardian, administrator, or committee of the estate of any lunatic, it shall be lawful for any such court to appoint the said company with their consent to hold such office or offices; and the accounts of said company as such trustee, receiver, assignee, guardian, or committee shall be regularly settled and adjusted by the proper officers or tribunals; and all proper, legal, usual, and customary charges, costs and expenses, shall be allowed to the said company for the care and management of the estate so committed to them; in case of such appointment by any court, the said company shall not be required to give any security, but such court if it deems necessary may from time to time appoint a suitable person to investigate the affairs and management of said company, who shall report thereon to such court, and regarding the security afforded to those by or for whom its engagements are held; and the expense of such investigations shall be defrayed by the said company, or the court may, if deemed necessary, examine the officers or directors of the said company under oath or affirmation as to the security aforesaid; it shall also be competent for his Excellency the Lieutenant-Governor, from time to time, when he shall deem it expedient, to appoint an inspector to examine the affairs of the said company and report to him on the security afforded to those by and for whom its engagements are held as aforesaid, and the expense of such investigation shall be borne by the said company.

May be appointed Trustee by the Court.

Court may appoint an inspector to report.

Lieut.-Governor may appoint an inspector to report.

9. The liability of the said company to the persons interested in the estate held by the said company as trustee, assignee, executor, administrator, receiver, guardian, or committee as aforesaid, shall be the same as if the said estates had been held by any private person in such capacities respectively; and their powers shall be the same; and the whole of the capital stock of the said company together with its property and effects, shall be taken and considered as security for the faithful performance

Liability of Company and stockholders.

of their duties as aforesaid, and shall be absolutely liable in case of any default whatsoever, but no shareholder in the company shall be liable to any greater extent than the amount unpaid upon any stock held by him.

CAP. LXXXIX.

An Act to amend the charter of "The Ontario Carbon Oil Company, Hamilton, Ontario."

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS "The Ontario Carbon Oil Company, Hamilton, Ontario," have by petition represented that they were duly incorporated under the provisions of the Act of the late Province of Canada passed in the session of the Parliament of said Province, held in the twenty-seventh and twenty-eighth years of Her Majesty's reign intituled "An Act to authorize the granting of charters of incorporation to manufacturing, mining and other companies" for the purpose of carrying on the business of purchasing crude or distilled petroleum oil from the various refiners, producers or dealers in this Province, and so refining it or distilling and refining it that it should be fit for general sale for illuminating or lubricating purposes and for manufacturing all cans, barrels and packages connected with or necessary for such business with a capital stock of fifty thousand dollars; And whereas, they have further represented that they are desirous in addition to the powers so conferred upon them of extending their business operations by searching for, working, extracting, or otherwise obtaining in Ontario petroleum oil, and for that purpose to increase their capital stock; And it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Powers of Company.

1. The company so incorporated shall and may, in addition to the powers conferred upon them by the said in part recited charter, carry on the business of exploring for, searching, working, extracting, manufacturing and converting in Ontario, petroleum, or other oils, and for these purposes to acquire and hold by purchase, lease, license or otherwise, lands in the said Province not exceeding two thousand acres, and may carry on and engage in the sinking of wells and the purchasing, erecting and constructing of works, machinery and plant and other things necessary for the above purposes, and may make and enter into contracts, agreements, engagements or dealings with any company or person

son for the sale, lease, license or working or otherwise disposing of the whole or any part of such lands, and the produce derived therefrom, and may execute and carry into effect all such contracts, engagements and dealings and generally to do all such acts, matters or things as are directly or indirectly incidental to the said business or conducive to the attainment of the above objects or any of them.

2. The capital stock shall be increased to the sum of five hundred thousand dollars in shares of five hundred dollars each, and may from time to time, or at any future time be increased as the wants of the Company may require to a sum not exceeding one million dollars in the whole. Capital stock

3. The following sub-sections of section five of the Act passed in the Session of the late Parliament of Canada held in the twenty-seventh and twenty-eighth years of the reign of Her said Majesty Queen Victoria, and chaptered twenty-three, shall be incorporated with and form part of this Act; that is to say, the first, third, fourth, fifth, sixth, seventh, eighth, tenth, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second and thirty-third sub-sections thereof. Certain parts of 27 and 28 V., c. 23, incorporated herewith.

4. Any clause in the said recited charter inconsistent with the provisions of this Act shall be and the same is hereby repealed; and the company so incorporated shall from and after the passing hereof be deemed to be specially incorporated under this Act; but nothing herein contained shall be construed as relieving the said company from any liabilities existing at the time of the passing of this Act, but the same and all contracts and agreements made or entered into before that time shall remain unaffected by this Act and shall and may be enforced by or against the Company hereby incorporated. Inconsistent clauses in charter repealed.

Existing liabilities continued.

CAP. XC.

An Act to incorporate the Shuniah Silver Mining Company.

[Assented to 2nd March, 1872.]

WHEREAS the persons hereinafter named have by petition represented that they are desirous of associating themselves together, for the purpose of carrying on mining operations in the districts of Thunder Bay and Algoma, in the Province of Ontario, Preamble.

vince of Ontario, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an Act to that end; And whereas, it is expedient that such prayer be granted;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Horatio Bigelow, Simon Mandlebaum, Aaron W. Spencer, Randolph M. Clark, and Nicol Kingsmill, together with all such other persons as shall become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic by the name of "The Shuniah Silver Mining Company."

Name.

Business of the company.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, silver, copper and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such personal property and such lands, and mining rights in the districts of Thunder Bay and Algoma, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery, and other erections and improvements thereon, or connected therewith, as the company may deem for its advantage, with power to sell and convey any of such lands or other property as the said company may think fit.

Capital stock.

Shares.

Increase.

3. The capital stock of the company shall be the sum of one million two hundred thousand dollars, in sixty thousand shares of twenty dollars each, which said capital stock may be from time to time increased as the wants of the company require, by a two third vote of the majority of the stockholders at a meeting of the company called for the purpose, to an amount not exceeding two million dollars.

Payment of instalments on shares and forfeiture for non-payment.

4. The capital stock shall be paid by the subscribers therefor, when, where and as the directors of the company shall require or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide: Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*.

Assignment of

5 The stock of the company shall be deemed personal estate

estate and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment. shares, calls to be first paid.

6. Aliens as well as British subjects and whether resident in this Province or elsewhere may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to offices in the said company as directors or otherwise. Aliens.

7. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy: Provided always the proxy is held by a shareholder not in arrear and is in conformity with the by-laws. Votes of shareholders.

8. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least fifty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting, of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and three members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose. Directors. Qualification. Election. Quorum.

9. The board of directors shall have full power in all things to administer the affairs of the company; and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments of stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and that, if any, of the directors; the time and place for holding the annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things Powers of the board of directors.

things at such meeting; the site of their chief place of business, which shall be within the Province, and of any other offices they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law.

Provisional
directors.

10. Until the first election of such board, Horatio Bigelow, Simon Mandlebaum, Aaron W. Spencer, Randolph M. Clark, and Nicol Kingsmill, shall be a provisional board of directors of the said company; with full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company, at such time and place within this Province, as they shall determine; and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Company not
bound to see
to the execu-
tion of any
trust.

11. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Liability of
shareholders

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof, except as provided in the next following section.

Shareholders
liable for
debts due to
employees.

13. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers, and servants thereof, for services performed for such company, but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company, for any debt so contracted, unless the
same

same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

14. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money or as the notes of a bank.

Power to make
bills and pro-
missory notes.

15. The directors of the said company after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for such purpose, shall have power to borrow from time to time, for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere, as may be deemed advisable, and to sell the same at such prices as may be deemed expedient; and to hypothecate, mortgage or pledge the lands, revenues and other property of the company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company and under the seal of the said company; provided that the said company shall not be authorized to borrow a sum exceeding one half the amount of the capital stock then paid up.

Power to bor-
row.

Commence-
ment of opera-
tions.

Forfeiture.

16. The company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in : Provided always, that unless mining operations be commenced under this Act, within four years from the passing thereof, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Joint Stock
Company Act
not to apply.

17. The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada shall not be construed to apply to the company hereby incorporated.

CAP. XCI.

An Act to incorporate the North Shore Silver Mining Company of Canada.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the persons hereinafter named have by petition represented that they are desirous of associating themselves together, for the purpose of carrying on mining operations in the districts of Thunder Bay and Algoma, in the Province of Ontario, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an Act to that end ; And whereas it is expedient that such prayer be granted ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Incorporation

1. James Beck, Horatio Bigelow, Simon Mandlebaum, James Carson, and A. J. Cattanaeh, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic by the name of "The North Shore Silver Mining Company."

Name.

Business of
the company.

2. The company may carry on the business of exploring, for, mining, smelting, manufacturing and selling gold, silver copper and other ores and metals ; and for these purposes may acquire and hold, by purchase, lease, or other legal title, such personal property and such lands, and mining rights in the districts of Thunder Bay and Algoma not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery, and other erections and improvements thereon, or connected therewith, as the company may deem for its advantage, with power to sell and convey any of such lands or other property as the said company may think fit.

3. The capital stock of the company shall be the sum of one million two hundred thousand dollars, in sixty thousand shares of twenty dollars each, which said capital stock may be from time to time increased as the wants of the company require, by a two-third vote of the majority of the stockholders at a meeting of the company called for the purpose, to an amount not exceeding two million dollars.

Capital stock
Shares.
Increase.

4. The capital stock shall be paid by the subscribers therefor, when, where and as the directors of the company shall require or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable, after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide: Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*.

Payment of
instalments on
shares and for-
feiture for
non-payment.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Assignment of
shares, calls to
be first paid.

6. Aliens as well as British subjects and whether resident in this Province or elsewhere may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to offices in the said company as directors or otherwise.

Aliens.

7. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy: Provided always the proxy is held by a shareholder not in arrear and is in conformity with the by-laws.

Votes of share-
holders.

8. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least fifty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting, of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and three members of such board, present in person, shall be a quorum thereof; and

Directors.
Qualification.
Election.
Quorum.

and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

Powers of the
board of
directors.

9. The board of directors shall have full power in all things to administer the affairs of the company; and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments of stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and that, if any, of the directors; the time and place for holding annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meeting; the site of their chief place of business which shall be within the Province, and of any other offices they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company shall be received in all courts of law as *prima facie* evidence of such by-law.

Provisional
directors

10. Until the first election of such board, James Beck, Horatio Bigelow, Simon Mandlebaum, James Carson, and A. J. Cattanaach, shall be a provisional board of directors of the said company; with full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company, at such time and place within this Province as they shall determine; and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Company not
bound to see
to the execu-
tion of any
trust.

11. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge.

charge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof except as provided in the next following section.

Liability of shareholders defined.

13. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers, servants and apprentices thereof for services performed for such company ; but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due ; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part.

Shareholders liable for debts due to employees.

14. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars ; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer and under the authority of a majority of a quorum of the directors, shall be binding on the company ; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shewn ; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note ; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company : Provided always, that nothing in this section shall be construed to authorize the said company to

Power to make bills and promissory notes.

issue

issue any note of a character to be circulated as money or as the notes of a bank.

Power to
borrow.

15. The directors of the said company after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for such purpose, shall have powers to borrow from time to time for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere, as may be deemed advisable, and to sell the same at such prices as may be deemed expedient, and to hypothecate, mortgage or pledge the lands, revenues and other property of the company, for the due payment of the said sums and the interest thereon; but no such debenture shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company and under the seal of the said company: Provided that the said company shall not be authorized to borrow a sum exceeding one-half the amount of the capital stock then paid up.

Commence-
ment of opera-
tions.

Forfeiture.

16. The company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in: Provided always, that unless mining operations be commenced under this Act, within two years from the passing thereof, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyances as may be necessary for that purpose.

Joint Stock
Company Act
not to apply.

17. The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada shall not be construed to apply to the company hereby incorporated.

CAP. XCII.

An Act to incorporate the Duncan Silver Mining Company.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the persons hereinafter named have by petition represented that they are desirous of associating themselves together, for the purpose of carrying on mining operations in the districts of Thunder Bay and Algoma, in the Province

vince of Ontario, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an Act to that end; And whereas it is expedient that such prayer be granted:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. James Carson, James Beatty, Simon Mandlebaum, Frederick Beck, Wellington Francis, and Alexander John Cattanaeh, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic by the name of "The Duncan Silver Mining Company."

Incorporation

Corporate name.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, silver, copper and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or legal title, such lands, and mining rights in the districts of Thunder Bay and Algoma, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery, and other erections and improvements thereon, or connected therewith, as the company may deem for its advantage, with power to sell and convey any of such lands or other property as the said company may think fit.

Business of the company.

Real estate

3. The capital stock of the company shall be the sum of one million two hundred thousand dollars, in sixty thousand shares of twenty dollars each, which said capital stock may be from time to time increased as the wants of the company require, by a two-third vote of the majority of the stockholders at a meeting of the company called for the purpose, to an amount not exceeding two million dollars.

Capital stock and shares;

increasing capital.

4. The capital stock shall be paid by the subscribers therefor, when, where and as the directors of the company shall require or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide; Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*.

How the stock to be paid.

If not paid promptly interest to be charged.

Forfeiture for non-payment.

5. The stock of the company shall be deemed personal estate

Stock, how assignable.

estate and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid unless it has been declared forfeited for non-payment.

Aliens may be shareholders.

6. Aliens as well as British subjects and whether resident in this Province or elsewhere may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold all the offices in the said company.

Meetings and manner of voting.

7. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy: Provided always the proxy is held by a shareholder not in arrear and is in conformity with the by-laws.

Proviso.

Directors, how elected, and qualification.

8. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least fifty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting, of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and four members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

Vacancies, how filled.

Powers of the board.

9. The board of directors shall have full power in all things to administer the affairs of the company; and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments of stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and that, if any, of the directors; the time and place for holding annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements

ments as to proxies; the procedure in all things at such meeting; the site of their chief place of business which shall be within the Province, and of any other offices they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company shall be received in all courts of law as *prima facie* evidence of such by-law.

Copies of by-laws to be *prima facie* evidence thereof.

10. Until the first election of such board, James Carson, James Beatty, Simon Mandlebaum, Frederick Beck and Wellington Francis, shall be a provisional board of directors of the said company; with full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company, at such time and place within this Province as they shall determine; and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Provisional directors.

their powers.

11. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not liable as trustees.

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof, except as provided in the next following section.

Liability of shareholders defined.

13. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers, servants and apprentices thereof for services performed for such company, but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company

Shareholders liable for debts due to employees.

company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part.

Negotiable
instruments.

14. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company; Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money, or as the notes of a bank.

Proviso.

Company may
borrow money
and issue
bonds, &c.

15. The directors of the said company after the sanction of the shareholders shall have been first obtained at a general meeting to be called for from time to time for such purpose, shall have powers to borrow from time to time, for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere, as may be deemed advisable, and to sell the same at such prices as may be deemed expedient; and to hypothecate, mortgage or pledge the lands, revenues and other property of the company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company and under the seal of the said company; provided that the said company shall not be authorized to borrow a sum exceeding one-half the amount of the capital stock then paid up.

Proviso.

16. The company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in: Provided always, that unless mining operations be commenced under this Act, within two years from the passing thereof, this Act of Incorporation shall be null and void, saving only to the said company the right to to part with any real estate which they may hold and to make such conveyance as may be necessary for that purpose.

When to commence business.

Proviso: forfeiture for non-user.

17. The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada shall not be construed to apply to the company hereby incorporated.

Joint Stock Co.'s Cons. Act not to apply.

CAP. XCIII.

An Act to incorporate the Spencer Silver Mining Company.

[Assented to 2nd March, 1872.]

WHEREAS the persons hereinafter named have by petition represented that they are desirous of associating themselves together, for the purpose of carrying on mining operations in the districts of Thunder Bay and Algoma, in the Province of Ontario, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an Act to that end; And whereas it is expedient that such prayer be granted:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. A. W. Spencer, Simon Mandlebaum, James Carson, James Beck, and Nicol Kingmill, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic by the name of "The Spencer Silver Mining Company."

Incorporation.
Corporate name.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, silver, copper and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such personal property and such lands, and mining rights in the districts of Thunder Bay and Algoma, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery, and other erections and improvements thereon, or connected therewith, as the company may deem for its advantage, with power to sell and convey any of such lands or other property as the said company may think fit.

Business of the company.

Real estate

Capital stock
and shares.

increasing
capital.

How the stock
is to be paid.

If not paid
promptly in-
terest to be
charged.

Forfeiture for
non-payment.

Stock, how
assignable.

Aliens may be
shareholders.

Meetings and
manner of vot-
ing.

Proviso.

Directors, how
elected, and
qualification.

Vacancies,
how filled.

3. The capital stock of the company shall be the sum of one million two hundred thousand dollars, in sixty thousand shares of twenty dollars each, which said capital stock may be from time to time increased as the wants of the company require, by a two-third vote of the majority of the stockholders at a meeting of the company called for the purpose, to an amount not exceeding two million dollars.

4. The capital stock shall be paid by the subscribers therefor, when, where and as the directors of the company shall require or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide; Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*.

5. The stock of the company shall be deemed personal estate and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid unless it has been declared forfeited for non-payment.

6. Aliens as well as British subjects and whether resident in this Province or elsewhere may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to offices in the said company, as directors or otherwise.

7. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy: Provided always the proxy is held by a shareholder not in arrear and is in conformity with the by-laws.

8. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least fifty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting, of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and three members of such board, present in person, shall be a quorum thereof; and

and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

9. The board of directors shall have full power in all things Powers of the board.
to administer the affairs of the company; and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments on stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and that, if any, of the directors; the time and place for holding annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meeting; the site of their chief place of business which shall be within the Province, and of any other offices they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law and every repeal, amendment and re-nactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company shall be received in all courts of law as *prima facie* evidence of such by-law. Copies of by-laws to be *prima facie* evidence thereof.

10. Until the first election of such board, A. W. Spencer, Provisional directors.
Simon Mandelbaum, James Carson, James Beck and Nicol Kingsmill, shall be a provisional board of directors for the said company; with full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company, at such time and place within this Province as they shall determine; and to do other acts necessary or proper to be done to organize the company and conduct its affairs. their powers.

11. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same Company not liable as trustees.

same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Liability of
shareholders
defined.

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof, except as provided in the next following section.

Shareholders
liable for
debts due to
employees.

13. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers, servants and apprentices thereof for services performed for such company, but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due, and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part.

Negotiable
instruments.

14. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company; Provided always, that nothing in this section shall be construed to authorize the said com-

Proviso.

pany

pany to issue any note of a character to be circulated as money, or as the notes of a bank.

15. The directors of the said company after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for such purpose, shall have powers to borrow from time to time, for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere, as may be deemed advisable, and to sell the same at such prices as may be deemed expedient; and to hypothecate, mortgage or pledge the lands, revenues and other property of the company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company and under the seal of the said company; provided that the said company shall not be authorized to borrow a sum exceeding one-half the amount of the capital stock then paid up.

Company may borrow money and issue bonds, &c.

Proviso.

16. The company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in; Provided always, that unless mining operations be commenced under this Act, within two years from the passing thereof, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold and to make such conveyances as may be necessary for that purpose.

When to commence business.

Proviso: forfeiture for non-user.

17. The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada, shall not be construed to apply to the Company hereby incorporated.

CAP. XCIV.

An Act to incorporate the Superior Silver Islands Mining Company.

[Assented to 2nd March, 1872.]

WHEREAS the persons hereinafter named have by petition represented that they are desirous of associating themselves together, for the purpose of carrying on mining operations in the districts of Algoma and Thunder Bay, in the Province

Preamble.

vince

vince of Ontario, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an Act to that end; And whereas, it is expedient that such prayer be granted;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.	1. John E. Kitton, Alister M. Clark, E. B. Ward, Nicol Kingsmill, and J. P. Donnelly, together with all such other persons as shall become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic by the name of "The Superior Silver Islands Mining Company."
Corporate name.	
Business of the company.	2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, silver, copper and other ores and metals, and for these purposes may acquire and hold, by purchase, lease, or other legal title, such personal property and such lands, and mining rights in the districts of Thunder Bay and Algoma, not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery, and other erections and improvements thereon, or connected therewith, as the company may deem for its advantage, with power to sell and convey any of such lands or other property as the said company may think fit.
Real estate.	
Capital stock and shares.	3. The capital stock of the company shall be the sum of five hundred thousand dollars, in twenty thousand shares of twenty-five dollars each, which said capital stock may be from time to time increased by a two-third vote of the majority of the stockholders at a meeting of the company called for the purpose, to an amount not exceeding one million dollars.
Increasing capital.	
How the stock to be paid.	4. The capital stock shall be paid by the subscribers therefor when, where and as the directors of the company shall require or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide: Provided always, that the notice of any such call shall be published for three weeks in the <i>Ontario Gazette</i> .
If not paid promptly interest to be charged.	
Forfeiture for non-payment.	
Stock, how assignable.	5 The stock of the company shall be deemed personal estate

estate and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

6. Aliens as well as British subjects and whether resident in this Province or elsewhere may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold all offices as directors or otherwise in the said company.

Aliens may
shareholders.

7. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy: Provided always the proxy is held by a shareholder not in arrear and is in conformity with the by-laws.

Meetings an
manner of vot-
ing.

Proviso.

8. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least twenty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting, of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and three members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

Directors, how
elected, and
qualification.

Vacancies,
how filled.

9. The board of directors shall have full power in all things to administer the affairs of the company; and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments of stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and that, if any, of the directors; the time and place for holding the annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meeting;

Powers of
the board.

meeting; the site of their chief place of business, which shall be within the Province, and of any other offices they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law.

Copies of by-laws to be *prima facie* evidence thereof.

Provisional directors.

their powers.

10. Until the first election of such board, John E. Kitton, Alister M. Clark, E. B. Ward, and Nicol Kingsmill, shall be a provisional board of directors of the said company; with full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company, at such time and place within this Province, as they shall determine; and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

Company not liable as trustees.

11. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Liability of shareholders defined.

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof, except as provided in the next following section.

Shareholders liable for debts due to employees.

13. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers, and servants thereof, for services performed for the company, but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in such company, for any debt so contracted, unless the same be commenced within two years from the time he ceased

ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

14. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money or as the notes of a bank.

Negotiable
instruments.

Proviso.

15. The directors of the said company after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for such purpose, shall have power to borrow from time to time, for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere, as may be deemed advisable, and to sell the same at such prices as may be deemed expedient; and to hypothecate, mortgage or pledge the lands, revenues and other property of the company, for the due payment of the said sums and the interest thereon; but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company and under the seal of the said company; provided that the said company shall not be authorized to borrow a sum exceeding one half the amount of the capital stock then paid up.

Company may
borrow money
and issue
bonds, &c.

Proviso.

When to commence business.

16. The company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in : Provided always, that unless mining operations be commenced under this Act, within three years from the passing thereof, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyance as may be necessary for that purpose.

Joint Stock Company Act not to apply.

17. The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada shall not be construed to apply to the company hereby incorporated.

CAP. XCV.

An Act to incorporate the International Silver Mining Company of Canada.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the persons hereinafter named have by petition represented that they are desirous of associating themselves together, for the purpose of carrying on mining operations in the districts of Thunder Bay and Algoma, in the Province of Ontario, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an Act to that an end; And whereas it is expedient that such prayer be granted;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Incorporation

1. James Carson, Simon Mandlebaum, Aaron W. Spencer, Horatio Bigelow, Randolph M. Clark, Nicol Kingsmill and Alexander John Cattanaach, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic by the name of "The International Silver Mining Company."

Corporate name.

Business of the company.

2. The company may carry on the business of exploring for, mining, smelting, manufacturing and selling gold, silver copper and other ores and metals; and for these purposes may acquire and hold, by purchase, lease, or other legal title, such personal property and such lands, and mining rights in the districts of Thunder Bay and Algoma not at any time exceeding two thousand acres in superficies, and construct and maintain such buildings, machinery, and other erections and improvements thereon, or connected therewith, as the company may deem for its advantage, with power to sell and convey any of such lands or other property as the said company may think fit.

Real estate.

3. The capital stock of the company shall be the sum of one million two hundred thousand dollars, in sixty thousand shares of twenty dollars each, which said capital stock may be from time to time increased as the wants of the company require, by a two-third vote of the majority of the stockholders at a meeting of the company called for the purpose, to an amount not exceeding two million dollars.

Capital stock and shares.

Increasing capital.

4. The capital stock shall be paid by the subscribers therefor, when, where and as the directors of the company shall require or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per centum per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the directors may by vote, reciting the fact and duly recorded in their records summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws or votes of the company may provide: Provided always, that the notice of any such call shall be published for three weeks in the *Ontario Gazette*.

How the stock to be paid.

If not paid promptly interest to be charged.

Forfeiture for non-payment.

5. The stock of the company shall be deemed personal estate, and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Stock, how assignable.

6. Aliens as well as British subjects and whether resident in this Province or elsewhere may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to offices in the said company as directors or otherwise.

Aliens may be shareholders.

7. At all meetings of the company every shareholder, not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear shall be entitled to vote; and all votes may be given in person or by proxy: Provided always the proxy is held by a shareholder not in arrear and is in conformity with the by-laws.

Meetings and manner of voting.

Proviso.

8. The affairs of the company shall be administered by a board of seven directors, being severally holders of at least fifty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting, of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and three members of such board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such board, if they see fit, may fill the vacancy until

Directors, how elected, and qualification.

Vacancies,
how filled.

until the next annual meeting of the company, by appointing any qualified shareholder thereto; but a failure to elect directors, or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose.

Powers of the
board.

9. The board of directors shall have full power in all things to administer the affairs of the company; and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the company) regulating the calling in of instalments of stock and payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the company; the security to be given by them to the company; their remuneration, and that, if any, of the directors; the time and place for holding annual and other meetings of the company; the calling of meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meeting; the site of their chief place of business which shall be within the Province, and of any other offices they may require to have; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; but every such by-law and every repeal, amendment and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company; and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company shall be received in all courts of law as *prima facie* evidence of such by-law.

Copies of by-
laws to be
prima facie
evidence
thereof.

Provisional
directors

10. Until the first election of such board, James Carson, Simon Mandlebaum, Aaron W. Spencer, Horatio Bigelow, and Nicol Kingsmill, shall be a provisional board of directors of the said company; with full power to fill vacancies; to open stock books; assign stock; make calls for and collect instalments; issue certificates and receipts; convene the first general meeting of the company, at such time and place within this Province as they shall determine; and to do other acts necessary or proper to be done to organize the company and conduct its affairs.

their powers.

Company not
liable as trus-
tees.

11. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the company, and the company shall not be bound

bound to see to the application of the money paid upon such receipt.

12. The shareholders of the company shall not, as such, be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount unpaid upon their shares in the stock thereof except as provided in the next following section.

Liability of shareholders defined.

13. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers, servants and apprentices thereof for services performed for such company ; but no shareholder in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due ; and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part.

Shareholders liable for debts due employees.

14. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars ; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer and under the authority of a majority of a quorum of the directors, shall be binding on the company ; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary or treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shewn ; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note ; nor shall the president, vice-president, secretary or treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company : Provided always, that nothing in this section shall be construed to authorize the said company to issue any note of a character to be circulated as money or as the notes of a bank.

Negotiable instruments.

Proviso.

15. The directors of the said company after the sanction of the shareholders shall have been first obtained at a general meeting to be called from time to time for such purpose, shall have

Company may borrow money and issue bonds, &c.

have powers to borrow from time to time for the purposes of the company hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere, as may be deemed advisable, and to sell the same at such prices as may be deemed expedient, and to hypothecate, mortgage or pledge the lands, revenues and other property of the company, for the due payment of the said sums and the interest thereon; but no such debenture shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company and under the seal of the said company: Provided that the said company shall not be authorized to borrow a sum exceeding one-half the amount of the capital stock then paid up.

Proviso.

When to commence business.

Proviso : forfeiture for non-user.

16. The company shall not commence operations under this Act, until at least ten per centum of the amount of their capital stock shall have been paid in: Provided always, that unless mining operations be commenced under this Act, within two years from the passing thereof, this Act of Incorporation shall be null and void, saving only to the said company the right to part with any real estate which they may hold, and to make such conveyances as may be necessary for that purpose.

Joint Stock Co.s' Cons. Act not to apply.

17. The Joint Stock Companies' Clauses Consolidation Act of the Province of Canada shall not be construed to apply to the company hereby incorporated.

CAP. XCVI.

An Act to incorporate "The Ontario Mineral Lands Company."

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS, under and by virtue of a certain deed of Conveyance dated the thirteenth day of November, one thousand eight hundred and seventy-one, between the Montreal Mining Company of the one part, and Alexander Hamilton Sibley, Eber B. Ward, Edward Learned, Peleg Hall, and C. A. Trowbridge, therein described, of the second part, the last named persons became seized in fee of the several mining locations, land and premises, therein mentioned or referred to, and being situate on Lakes Huron and Superior, and within the Districts of Algoma and Thunder Bay, upon the trusts therein mentioned, and particularly declared in a certain deed of Trust bearing date the second day of November, one thousand eight hundred and seventy, made between Alexander Hamilton Sibley

Sibley of the one part, and Eber B. Ward, Edward Learned, Peleg Hall, C. A. Trowbridge, and A. H. Sibley of the other part, and have paid the purchase money therefor in full; and whereas the said Alexander Hamilton Sibley, Eber B. Ward, Edward Learned, Peleg Hall and C. A. Trowbridge, have petitioned for an Act of Incorporation, for the purpose of carrying on mining operations, and otherwise carrying out the objects contemplated by the said deed of trust; and it is expedient so to grant:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Eber B. Ward, Edward Learned, Peleg Hall, Corporation.
C. A. Trowbridge and Alexander Hamilton Sibley, and such other person or persons, bodies corporate or politic as are or may become holders of shares in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic under the name of "The Ontario Mineral
Name.
Lands Company."

2. The capital stock of the said Company shall be one hundred Capital.
and sixty thousand dollars paid up stock, divided into sixteen hundred shares of one hundred dollars each, and the said company shall have power to increase the same by the issue of new stock, as hereinafter mentioned, in shares of the same amount to an extent not exceeding eight hundred thousand dollars.

3. All the persons who at the time of the passing of this Act, are entitled to any interest under the said deed of trust are declared to be possessed of the capital stock of the said Company fully paid up according to their respective interests in the apportionment made in the said deed of Trust between the beneficiaries therein mentioned: and shall be entitled to have their respective shares or interests allotted to them, and to demand and receive certificates therefor upon the said Company's perfecting its organization under this Act. Allotment of Stock.

4. The said Company shall be at liberty to issue further stock to the extent of eight hundred thousand dollars in shares of one hundred dollars: and the holders of paid up stock, mentioned or referred to in the second section of this Act, shall have the right of subscribing for such further issue, or issues of stock, or for any part thereof at par in proportion to their respective interests in such paid up stock as aforesaid: and the said Company shall be at liberty to fix a premium on such stock when the same shall be opened to subscription by the public. Issue of further Stock.

5. The said Alexander Hamilton Sibley, Eber B. Ward, Edward Learned, Peleg Hall and Charles A. Trowbridge are hereby constituted a board of Provisional Directors of the said Company, and shall hold office as such until directors are appointed by the shareholders of the said Company. Provisional Directors.

Property covered by the trust Deed to be vested in the Company.

Liability of Company.

6. All the estate real and personal of whatever kind or description, at the time of the passing of this Act, vested in the said Alexander Hamilton Sibley, Eber B. Ward, Edward Learned, Peleg Hall and Charles A. Trowbridge, or which they may then be entitled to hold under or subject to the Trusts of the said recited deed of the second of November, one thousand eight hundred and seventy, is hereby vested in the said Company: and the said Company shall in like manner be liable to all contracts and obligations entered into or incurred by the said Alexander Hamilton Sibley, Eber B. Ward, Edward Learned, Peleg Hall and Charles A. Trowbridge under the said deed of Trust or in relation to the provisions thereof: Provided always that no part of the said lands so vested in the said corporation in excess of two thousand acres, shall be held for a longer period than ten years from the passing of this Act; and within such period such lands shall be absolutely sold and disposed of by the said corporation, so that it shall not thereafter retain any interest in any of the said lands in excess of two thousand acres, and all such lands in excess of two thousand acres which may not, within the said period, have been so disposed of, shall revert to Her Majesty, her successors and assigns.

Powers to sell, &c.

7. It shall be lawful for the said Company to sell, lease or otherwise dispose of the said estate real and personal.

Power to explore mines, &c.

8. The said Company may engage in exploring for minerals, in mining, in smelting, and in the manufacturing and disposing of minerals and materials, belonging as well to the said Company as to other persons; and shall have power to do all lawful acts that may be necessary or convenient for or in connection with these purposes.

To accept stock, &c., in other Companies in making sales, &c.

9. It shall also be lawful for the said Company upon making sales or leases of real or personal property, or mining or manufacturing arrangements with any bodies corporate or politic, to take in consideration therefor stock and debentures or bonds in such bodies corporate or politic.

Power to borrow.

10. The directors of the said company after the sanction of shareholders shall have been first obtained, at a general meeting to be called for from time to time for such purpose shall have powers to borrow from time to time, for the purposes of the company, hereby incorporated, either in this Province or elsewhere, such sums of money as may be expedient for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper; and to issue bonds, debentures or other securities for the sums so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Province or elsewhere, as may be deemed advisable; and to sell the same at such prices as may be deemed expedient; and to hypothecate, mortgage or pledge, the lands, revenues, and other property of the company, for the due payment

payment of the said sums, and the interest thereon, but no such debentures shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the president or vice-president of the said company, and countersigned by the secretary of the said company and under the seal of the said company; provided that the said company shall not be authorized to borrow a sum exceeding the amount of the capital stock then paid up.

11. The shareholders of the said company shall consist of the persons in the third paragraph hereof referred to, and of such other persons as may subscribe to any stock that may be hereafter issued by the said company who shall have fully paid up all calls upon said shares, together with the amount of any premium on stock that may be fixed as aforesaid; and every shareholder shall be entitled to a vote for every share which he shall hold. Who shall be Shareholders.

12. The shares or stock of the said company shall be deemed personal property, and shall be transferable in the form set out in schedule A, hereto annexed: The transfer shall be registered in a book to be kept by the company for that purpose, which shall be open to the public; and upon such registration the company shall issue certificates in the form prescribed in schedule B, hereto annexed. Shares and their Transfer.

13. The affairs of the said company shall be managed by five directors of whom three shall form a quorum: such directors shall be holders of not less than twenty-five shares in the said company, and shall be elected annually at an annual general meeting of the shareholders, of which fourteen days notice shall be given by circular or advertisement: The directors shall elect from among themselves a president and vice-president of the said company, and shall appoint a secretary and treasurer; they shall make by-laws for the government of said company and submit the same to a meeting of the shareholders on giving due notice; and shall make calls on stock and prescribe the manner in which the same shall be made; and shall have power to cancel any stock on which calls may remain unpaid for three months on giving reasonable notice and to declare the same forfeited; and to employ agents or servants for any purposes connected with the said company; and shall declare dividends whenever the profits of the company shall amount to the sum of one hundred thousand dollars or to a less amount if they see fit; and to appoint times and places for the annual general meeting or other meetings of the company; and to appoint persons to fill the places of any directors who may die, resign or become incapable of acting in the interval between their appointment and the next annual general meeting. Directors, their qualification, election and powers.

14. It shall be incumbent on persons subscribing or who may have subscribed for stock in the said company to furnish Persons subscribing for stock shall
U to

furnish their
addresses.

to the secretary of the said company an address in writing to which all notices shall be sent; and it shall be sufficient to send to that address all notices relating to calls and forfeiture or cancellation of stock and all other notices; and if such address be not given such notices shall be deemed sufficiently served if inserted three times in the *Ontario Gazette*, and once in each week for three weeks in a daily newspaper published in the city of Toronto.

Establishment
of offices.

15. The directors shall have authority to establish places or offices for the business of the company in such places as to them shall seem proper, and to have books at such places for the subscription and transfer of shares and for the transaction of any business of the company thereat, including shareholders meetings. if the shareholders themselves shall so approve, and to employ agents for that purpose; the principal office of the company shall be within the Province of Ontario.

Books to be
kept at Toron-
to.

16. The directors shall also keep at some convenient place in the City of Toronto, in the Province of Ontario, a book or books containing a true and correct copy of the subscriptions and transfers of stock, with such addresses as aforesaid collated from the various subscription and transfer books of the said company; and the same shall be open to inspection by the public at all reasonable times; such books shall also shew what amounts have been paid on stock or what amounts remain unpaid thereon; and notice of the place so appointed shall be given in the *Ontario Gazette* and a daily newspaper published in the City of Toronto, once a week for four weeks.

Service of
Process.

17. Service of process in any action, suit, matter or proceeding may be made by leaving a copy thereof at the place referred to in the last preceding section, or personally on any one of the directors.

Right of alien
Stockholders.

18. Aliens may be shareholders and directors and officers of the said company.

Liability of
Sibley *et al.*

19. Nothing in this Act contained shall relieve the the said Alexander Hamilton Sibley, Eber B. Ward, Edward Learned, Peleg Hall and C. A. Trowbridge, or any of them, from any liability existing at the time of the passing of this Act under the said deed of trust.

SCHEDULE A.

I,
sum of
of
transfer to the said

in consideration of the
dollars paid to me by
do hereby bargain, sell and
and his executors,
administrators

administrators and assigns, or such persons as by law may be-
come entitled to his or their personal property,
shares in "The Ontario Mineral Lands Company," subject to
the same rules and orders and on the same conditions that I
held the same immediately before the execution hereof.

And I the said _____ do hereby accept
of the said _____ shares subject to the same
rules, orders and conditions

As witness our hands this _____ day of _____ A.D. 18,

SCHEDULE B.

This to is certify that _____ is a holder of
shares in "The Ontario Mineral Lands Company" of the
par value of _____ upon which the sum of
has been paid up.

Given under the hands of the President and Secretary, and
under the seal of the said company, this _____ day of
A.D. 18 .

CAP. XCVII.

An Act to incorporate certain persons under the style
of "The Midland Land Company."

[Assented to 2nd March, 1872.]

WHEREAS Adolph Hugel, of the Town of Port Hope, Preamble
Esquire, William Henry Beatty, of the City of Toronto,
Esquire, John Fedor Schepeler, of the Town of Port Hope,
Esquire, William Thomas, of the City of Toronto, Esquire, and
John Gibbs Ridout, of the said City of Toronto, Esquire, being
the owners of certain lands fronting on and adjoining Gloucester
Bay, in the Township of Tay, in the County of Simcoe, and
Province of Ontario, at the terminus of the Midland Railway
of Canada, have by their petition prayed for an Act under the
name of "The Midland Land Company," to enable them to ac-
quire certain lands in the Township of Tay aforesaid, for the
purpose of laying out the same into streets, town, and park lots,
and otherwise for the purpose of selling or disposing of the
same as may be deemed expedient, and for making such im-
provements thereon and thereto as may be thought proper:—

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

Incorporation.

1. The said Adolph Hugel, William Henry Beatty, John Fedor Schepeler, William Thomas, and John Gibbs Ridout, and such and so many other persons or parties as shall become shareholders in the capital stock hereinafter mentioned, shall be, and they are hereby constituted a body politic and corporate, under the name of "The Midland Land Company."

Powers to acquire and improve lands.

2. It shall be lawful for said company to purchase from the persons hereinbefore named the lands owned by them and referred to in the said petition on or near to Gloucester Bay, in the said Township of Tay, at such price and on such terms as may be agreed on; and may hold, use and enjoy the same, and make such improvements thereon and thereto as may be deemed advisable, and may lay out, survey, or subdivide the same or any part thereof into town, village, and park, or other lots, squares, or commons, in such manner and with all such streets as may be deemed expedient, and may expend money in opening up the same, grading said streets, or otherwise howsoever.

Power to sell.

3. The said company may from time to time sell, or otherwise dispose of, alienate and convey the lands belonging to the said company or any part thereof, or any town, village, park, or other lot or lots, into which the same or any part thereof may from time to time be laid out or subdivided according to any map or plan thereof, that may from time to time be made, at such price or prices, and on such terms and time as the said company may choose, and may take security by mortgage or otherwise, on the lands so sold or any other lands or other property as may be agreed on; Provided also that such part of the said lands as shall not have been actually sold or disposed of within fifteen years from the passing of this Act, shall revert to and become the property of Her Majesty and her successors.

Capital stock.

4. The capital stock of the said company shall be one hundred and fifty thousand dollars, in shares of one hundred dollars each, which stock shall be subscribed by the persons hereinbefore named, and such other persons as may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses, and disbursements for procuring the passing of this Bill, and all the rest and residue of the said money shall be applied towards acquiring the lands hereinbefore mentioned, and in laying out, surveying, or subdividing the same, and having a plan or plans made of such subdivision or subdivisions, and in grading, opening, and improving the streets laid out thereon, and otherwise in improving the same and carrying on the business of the said company.

Application thereof.

Provisional directors.

5. The said Adolph Hugel, William Henry Beatty, John Leys, Dalton McCarthy, junior, and John Fedor Schepeler, shall

shall be a board of provisional directors of said company, a majority of whom shall be a quorum; and the said board of provisional directors shall hold office as such until the first election of directors under this Act, and shall have full power to fill vacancies, open stock books, and procure subscription of stock for the undertaking, and to receive payment of the amount of stock subscribed, and to make calls and convene the first general meeting of the shareholders at such place as they shall determine and within three months after the passing of this Act, and to do all such other Acts, matters, and things necessary and proper to be done to organize the company and conduct its affairs.

6. When, and so soon as shares to the amount of fifty thousand dollars on the capital stock of the company have been subscribed for and ten per centum thereon has been paid into one of the chartered Banks in this Province, the board of provisional directors shall call a general meeting of the shareholders of the company, for the election of directors of the company, giving at least ten days notice of the time, place, and purpose of meeting previously thereto in one or more of the daily newspapers published in the City of Toronto, and in the *Ontario Gazette*, and at the said meeting the shareholders to whom shares have been allotted in the books of the company, shall elect persons qualified as hereinafter provided to be directors of the company, which persons shall constitute the board of directors of the company, and shall hold office until the expiration of one year from the date of the holding of the said meeting. First election of directors.

7. Within one year of the holding of the said first meeting, and in each year thereafter there shall be held at the principal office of the said company, or at such place as may from time to time be appointed by by-law of the said company, within the Province of Ontario, a general meeting of the shareholders of the said company, at which meeting the shareholders shall elect such number of directors, not less than three, nor more than five, as may be determined by by-law of the company in the manner and qualified as hereinafter provided, and due notice of such general annual meeting and election shall be given as in the last preceding section is mentioned. Annual general meetings.

8. All the elections of directors shall be by ballot, (each shareholder being entitled to as many votes as he, she, or they have shares in the company,) and the persons so elected, if qualified as hereinafter provided shall form the board of directors of the company, but no person shall be so elected unless he is a shareholder owning twenty shares at least of stock absolutely in his own right, and not in arrear in respect of any calls thereon. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term by the board Election of directors and president.
from

from among the qualified shareholders of the company. The directors shall from time to time elect from among themselves a president of the company.

Non-election
of directors.

9. If at any time an election of directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the company duly called for that purpose, and the retiring directors shall continue in office until their successors are elected.

Shareholders.

10. Aliens as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the company; and all such shareholders shall be entitled to vote on their shares and be eligible to office as directors of the company, being duly qualified as herein provided.

No vote on
shares in ar-
rears.

11. No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company.

Quorum.

12. At all meetings of the board of directors, a majority of the members of the board shall form a quorum for the transaction of business.

Directors
power of.

13. The directors of the company shall have full power in all things to administer the affairs of the company; and may make or cause to be made for the company any description of contract which the company may by law enter into; and may from time to time make by-laws not contrary to law, nor to this Act to regulate the allotment of stock; the making of calls thereon; the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock, and of the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the number of the directors; their term of service; the appointment, functions, duties and removal of all agents, officers, and servants of the company; the security to be given by them to the company; their remuneration; the time at which and place where the annual meetings of the company shall be held, within the Province of Ontario; the calling of meetings, regular and special, of the board of directors, and of the company; the requirements as to proxies; and the procedure in all things at such meetings; the imposition and recovery of all penalties, and forfeitures admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend, or re-enact the same; but every such by-law, and every repeal, amendment, or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company, duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat, shall at and from that time only, cease to have force;

Provided

Provided always, that one-fourth part in value of the share-holders of the company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect. Special meetings.

14. A copy of any by-law of the company under their seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts. Evidence of by-laws.

15. The stock of the company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Bill or by the by-laws of the company shall be prescribed. Stock, transfer of.

16. The directors of the company may call in and demand from the shareholders thereof respectively, all sums of money by them subscribed at such times and places, and in such payments or instalments as this Act may require or allow, and interest shall accrue and fall due at the rate of six per centum per annum, upon the amount of any unpaid call, from the day appointed for payment of such call. Calls.

17. Not less than ten per centum upon the allotted stock of the company shall by means of one or more calls be called in and made payable within one year from the incorporation of the company; and for every year thereafter at least a further ten per centum shall in like manner be called in and made payable until the whole shall have been so called in. Calls.

18. The company may enforce payment of all calls and interest thereon by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more stating the number of shares and is indebted in the sum of money to which the calls in arrear amount in respect of one call or more upon one share or more, stating the number of calls, and the amount of each, whereby an action hath accrued to the company under this Act; and a certificate under their seal and purporting to be signed by any officer of the company to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon shall be received in all courts of law or equity as *prima facie* evidence to that effect. Actions for calls.

19. If after such demand or notice as by the by-laws of the company may be prescribed any call made upon any share or shares be not paid within such time as by the by-law may be limited in that behalf the directors in their discretion by vote to that effect reciting the facts and duly recorded in their minutes may summarily forfeit any shares whereon such payment Forfeiture of stock.

is not made; and the same shall thereupon become the property of the company and may be disposed of as by by-laws or otherwise they shall ordain.

Overdue stock
not transfer-
able.

20. No share shall be transferable until all previous calls thereon have been fully paid in or until declared forfeited for non-payment of calls thereon.

Transfer of
stock.

21. No transfer of stock unless made by sale under execution shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other and as rendering the transferee liable *ad interim* jointly and severally with the transferor to the company and their creditors until the entry thereof has been duly made in such book or books.

Company not
bound to see to
trusts as to
stock.

22. The company shall not be bound to see to the execution of any trust whether express, implied or constructive in respect of any share; and the receipt of the shareholder in whose name the same may stand in the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share and whether or not notice of such trust shall have been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt.

Cheques.

23. Every cheque, made, drawn or endorsed on behalf of the company by any agent, officer or servant of the company in general accordance with his powers as such under the by-laws of the company shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such cheque or to prove that the same was made, drawn, accepted or indorsed, as the case may be, in pursuance of any by-law or special vote or order; nor shall the party so acting as agent, officer or servant of the company be thereby subjected individually to any liability whatsoever to any third party therefor; Provided always, that nothing in this Act shall be construed to authorize the company to issue any note payable to the bearer thereof or any promissory note intended to be circulated as money or as the note of a bank or to engage in the business of banking or insurance.

Liability of
shareholders.

24. Each shareholder until the whole amount of his stock has been paid up shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon and in no event shall be liable beyond the amount of his stock paid up in full; but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against such shareholders.

25. The shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof for services performed for such company, but no shareholders in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due, and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder, in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

Shareholders
liable for
debts due to
employees.

26. The shareholders of the company shall not as such be held responsible for any act, default or liability whatever of the company or for any engagement, claim, payment, loss, injury transaction, matter or thing whatsoever relating to or connected with the company beyond the amount of their respective shares in the capital stock thereof, except as in the next preceding section is provided.

Liability of
shareholders.

27. No person holding stock in the company as an executor, administrator, guardian or trustee shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate or the minor ward or the person interested in such trust fund would be if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly.

Liability of
executors, &c.

Liability on
pledged stock.

28. No loan shall be made by the company to any shareholder, and if such be made all directors and other officers of the company making the same or in anywise assenting thereto shall be jointly and severally liable to the company for the amount of such loan, and also to third parties to the extent of such loan with legal interest for all debts of the company contracted from the time of the making such loan to that of the repayment thereof.

Loans to share-
holders for-
bidden.

29. Service of all manner of summons or writ whatever upon the company may be made by leaving a copy thereof at the office or chief place of business of the company with any grown person in charge thereof, or elsewhere with the president or secretary thereof; or if the company have no known office or chief place of business, and have no known president or secretary, then upon return to that effect duly made, the court shall order such publication as it may deem requisite to be made in the premises for

Service of pro-
cesses.

for at least one month in at least one newspaper; and such publication shall be held to be due service upon the company.

Actions between company and shareholders.

30. Any description of action may be prosecuted and maintained between the company and any shareholder thereof.

Increase of stock.

31. The capital stock of the company may be increased from time to time by the shareholders at any annual general meeting or any general meeting specially called for that purpose; and such increase may be agreed on by such proportions at a time as the shareholders shall determine and shall be determined by the majority of the votes of the shareholders present at such meeting in person or by proxy but in no case to exceed five hundred thousand dollars.

CAP. XCVIII.

An Act to incorporate the Parry Sound Lumber Company.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS by the petition of Anson Greene Phelps Dodge, of Keswick, in the County of York, John Clauson Miller, of the City of Toronto, Dalton McCarthy, the younger, of the town of Barrie, in the County of Simcoe, Esquire, William J. Hunt, John Thurmen Gilchrist and David Crawford White, all of the City of New York, in the State of New York, lumberers, it appearing that the said petitioners have purchased the saw mills known as the Parry Sound Mills and own valuable works; And whereas the said petitioners purchased the said property with the intention of selling and disposing of the same to a company to be formed and created under and by virtue of this Act, and to be formed of the said petitioners and other persons for the purpose of carrying on the lumbering business in all its branches at the said mills; And, whereas the said petitioners have prayed that an Act may be passed authorizing the formation of the said company for such purposes, and that they may be incorporated under the title of "The Parry Sound Lumber Company" for the purpose of manufacturing timber, saw-logs and other products of the wood, and also for the purpose of cutting, taking out, making and carrying timber and saw-logs for the purpose of such manufacture, and for the buying and selling of lumber and timber, and for acquiring holding, alienating and conveying such mill properties, mill sites, and water powers as may be deemed advisable for the carrying said business, and for the construction of all works, rail or tramways, mill engines, dams, sluices, scows, schooners, vessels and steamboats and other works necessary for carrying on of such business at Parry Sound, in the Province of Ontario, and at other places in said Province; And whereas it is expedient to grant the prayer of the said petition:

eTherefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Anson Greene Phelps Dodge, John Clauson Miller, Dalton McCarthy, the younger, William J. Hunt, John Thurmen Gilchrist and David Crawford White together with all such persons and corporations as shall become shareholders in the said company hereby incorporated shall be and are hereby constituted a body corporate and politic by and under the name of "The Parry Sound Lumber Company."

Certain persons incorporated.
Name.

2. The said corporation is hereby constituted for the purpose of purchasing and acquiring the said saw mill and premises known as the Parry Sound Mills, and which are situate in the village of Parry Sound, together with all mills, works, timber lumber, dams, sluices, and all other rights and privileges aforesaid upon such terms and conditions as the same may be acquired or purchased for, and may hold, use and enjoy all such property, for the purpose of carrying on the business aforesaid in all its branches under the provisions of this Act.

Objects of company.

3. The company may construct or maintain such buildings, mills, machinery, dwelling and other houses, barns and sheds, wharves and piers, rail or tramways, dams, sluices and other works as may be required, or may be deemed advantageous for the carrying on of the business of the said company.

Power to construct mills, tramways, wharves, etc.

4. The company shall have power to construct, purchase, charter, and navigate steam vessels and other water craft, on any lake, river, or stream within the Province of Ontario, for the purpose of carrying, towing, or conveying saw logs, timber, lumber, laths, shingles, or other manufactured stuff, in connection with the said mills, or any mill or mills hereafter to be erected or acquired by the said company.

Company may hold steam vessels, etc.

5. The capital stock of the said company shall be three hundred thousand dollars, in shares of one hundred dollars each, which stock shall be subscribed by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and all the rest and residue of the said money shall be applied towards acquiring the said saw mills and premises, and personal property and all such other personal property as may be required in carrying on the business of the said company.

Capital stock and shares.

6. The directors of the company if they see fit at any time after the whole capital stock shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount not exceeding six hundred

Increase of capital stock.

dred thousand dollars, which they may consider requisite in order to the due carrying out of the objects of the company;

(1.) Such by-law shall declare the number and shares of the new stock, and may prescribe the manner in which the same shall be allotted, and in default of its so doing, the whole of such allotment shall be held to rest absolutely in the directors.

Decreasing
capital stock:

7. The directors of the company, if they see fit at any time, may make a by-law for decreasing the capital stock of the company to any amount which they may consider sufficient, in order to the due carrying out of the undertaking of the company, and advisable;

(1.) Such by-law shall declare the number and value of the shares of the stock so decreased, and the allotment thereof, or the rule or rules by which the same shall be made.

Affirming by-
laws for in-
creasing or
decreasing
capital stock.

8. But no by-law for increasing or decreasing the capital stock of the company, shall have any force or effect whatever until after it shall be sanctioned by a vote of not less than three-fourths in value of the shareholders, at a general meeting of the company duly called for considering the same.

Provisional
directors,

their powers.

9. The persons named in the first section of this Act, and Harvey M. Mixer, of the city of Buffalo, in the State of New York, lumberer, are hereby constituted the board of provisional directors of the said company, a majority of whom shall be a quorum; and the said provisional board of directors shall hold office as such until the first election of directors under this Act, and shall have power to open stock books and procure subscription of stock for the undertaking, and to receive payment of the amount of stock subscribed, and make calls upon such subscribers in respect of their stock, and generally to do all matters and things necessary for the full organization and working of the company.

Ten per cent.
to be paid on
stock,

10. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the amount has been actually paid thereon within fifteen days after subscription to the company, into one of the chartered banks of this Province, to the credit of the company, and not to be withdrawn, except for the purposes of the company.

First general
meeting for
election of
directors.

11. When, and so soon as the shares to the amount of two hundred thousand dollars on the capital stock of the company have been subscribed for, and ten per centum thereon has been paid, the provincial board of directors shall call a general meeting of the shareholders of the company, at the Town of Barrie, for the election of directors of the company, giving at least ten days' notice of the time, place, and purpose of the meeting previously thereto, in some newspaper published at, or near as may be, to the place of such meeting; and at the said meeting the shareholders to whom shares have been allotted in the books

Who may vote
at same.

of

of the company shall elect persons qualified, as hereinafter provided, to be directors of the company, which persons shall constitute the board of directors of the company, and shall hold office until the first Monday in April next.

Term of office
of directors.

12. On the said first Monday of April, and in each year thereafter, there shall be held at the principal office of the said company, at the Town of Barrie, or at such other place within the Province of Ontario, as may from time to time be appointed by by-law of the said company, at which meeting the shareholders shall elect such number of directors, not less than three, nor more than five, as may be determined on by by-law of the said company, in the manner, and qualified as hereinafter provided; and due notice of such annual general meeting and election shall be given by written notice being forwarded to the address of each shareholder at least ten days before the day of such meeting.

Annual general
meeting.

13. All the election of directors shall be by ballot; each shareholder being entitled to as many votes as he, she, or they, have shares in the company; and the persons so elected, if qualified, as hereinafter provided, shall form the board of directors of the company; but no person shall be so elected unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any calls thereon.

Directors to
elected by bal-
lot.

Qualification
of directors.

14. If at any time an election of directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company called for that purpose, and the retiring directors shall continue in office until their successors are appointed.

Failure to elect
directors.
How remedied.

15. Aliens, as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the company, and all such shareholders shall be entitled to vote on their shares, and be eligible to office as directors of the company, being duly qualified as herein provided.

Aliens may be
shareholders
and vote.

16. No shareholder shall be qualified to vote at any meeting in respect of any share on which at least ten per centum shall not have been paid, together with all calls due at the time of the meeting.

Who may vote
at meetings.

17. At all meetings of the board of directors a majority of the number of the board shall form a quorum for the transaction of business; and the board may employ one or more of their number as paid director or directors.

Quorum of di-
rectors.

18. The said board of directors shall elect and appoint a president and a vice-president, and the necessary officers, and may remove the latter at pleasure, and fill up vacancies from time to time; but the said president and vice-president shall be elected annually, immediately

Election of
president and
officers and
filling vacan-
cies.

immediately after the election of directors, except that in filling up a vacancy the election may be made at any time.

Powers and
duties of direc-
tors.

19. The directors of the company shall have full power in all things to administer the affairs of the company; and may make or cause to be made for the company any description of contract which the company may by law enter into, and may from time to time make by-laws not contrary to law, nor to this Act, to regulate the allotment of stock; the making of calls thereon, the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the number of the directors; the amount of their stock qualification; the appointment, functions, duties, and removal of all agents, officers and servants of the company; the security to be given by them to the company, and their remuneration; the place where the annual meetings of the company shall be held within the Province of Ontario; the calling of meetings, regular and special, of the board of directors and of the company; the requirements as to proxies and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and generally all such by-laws as shall appear to them proper and necessary, touching the well ordering, and conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend, and re-enact the same; but no such by-law, nor any repeal, amendment or re-enactment thereof, except for the purpose of regulating the working of the said company, the appointment, functions, duties, and removal of agents, officers, and servants of the company, the security to be given by them to the company, and their remuneration, shall have any force or effect until confirmed at the annual general, or a special meeting called for the purpose of taking the same into consideration, and confirming or annulling the same, and in default of confirmation thereat shall be of no force or effect: Provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

Confirmation
of by-laws.

Proviso for
calling special
general meet-
ings.

Evidence of by-
laws.

20. A copy of any by-law of the company, under their seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in Ontario.

Stock personal
estate.

21. The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions as by this Act or by-laws of the company are or shall be prescribed.

22. The directors of the said company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments as this Act or the by-laws of the company may require or allow.

Calling in instalments.

23. The said company may enforce payment of all calls, and interest thereon, by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the company under this Act; and a certificate under seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him, and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Enforcement of payment of call by action.

24. If after such demand or notice, as by by-laws of the said company may be prescribed, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any share whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise they shall ordain.

Forfeiture of shares.

25. No shareholder, being in arrear in respect of any call, shall be entitled to vote at any meeting of the said company.

Shareholders in arrears not to vote.

26. The said company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any share; and the receipt of the shareholders in whose name the same may stand in the books of the said company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the said company, and the company shall not be bound to see to the application of the money paid on such receipt.

Company not liable in respect of trusts.

27. Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted, or endorsed, and every promissory note and cheque made, drawn and endorsed, on behalf of the said company by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a majority of the quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange shall

Contracts by the company.

shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note, or cheque; nor shall the said president or vice-president, or the secretary or treasurer be thereby subjected individually to any liability whatever to any third party therefor, unless the same be given in respect of amount due for wages or salaries to servants or employees of the company; Provided that nothing in this Act shall be construed to authorize the said company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or insurance.

Liability of
shareholders.

28. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholders.

Liability of
shareholders
limited.

29. The shareholders of the said company shall not as such, be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the said company beyond the amount of their respective shares in the capital stock thereof.

Liability of
Shareholders.

30. The shareholders of the company shall be jointly and severally, individually liable for all debts due and owing to any of the labourers, servants and employees thereof, for services performed for such company; but no shareholder in any such company shall be personally liable in the foregoing, or in any other of the cases in which personal liability is imposed by this Act, for the payment of any debt contracted by any such company, which is not to be paid within one year from the time the debt is contracted; nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in any such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part.

Power to bor-
row money.

31. The directors of the said company are hereby authorized and empowered from time to time to borrow for the purposes of the company, any sum or sums of money, and for that purpose to issue bonds or debentures on such terms as they may think proper, and may pledge all the property or income of the

the said company, or either the property or income of said company, or any part thereof, for the re-payment of the money so raised or borrowed, and the payment of the interest thereon, as may be expressed in said bonds or debentures, which shall form a charge accordingly; and such bonds or debentures shall be in such forms, and for such amount, and payable at such times and places as the directors from time to time may appoint and direct; the said bonds or debentures shall be signed by the president or vice-president, and shall have the corporation seal of the company affixed thereto; ^{Provide.} Provided always, that the consent of three-fourths in value of the stockholders of the company, shall be first had and obtained at a special meeting, to be called and held for that purpose; ^{Provide.} Provided, also, that the said company shall not be authorized at any time to borrow a sum exceeding one-half the amount of the capital stock then paid up.

CAP. XCIX.

An Act to incorporate the Georgian Bay Lumber Company of Ontario.

[Assented to 2nd March, 1872.]

WHEREAS Anson Greene Phelps Dodge, of Keswick, in ^{Preamble.} the County of York, the Honourable John Beverley Robinson, of the City of Toronto, D'Alton McCarthy the younger, of the Town of Barrie, in the County of Simcoe, Alexander Ritchie Christie and William Kerr, both of the City of Toronto, Harvey M. Mixer, of the said Town of Barrie, and Daniel Sprague and Edward Hargreaves, both of the Village of Orillia, in the said County, of Simcoe, have applied for an Act of Incorporation to facilitate the objects with which they are associated and to empower the said proposed company to purchase the mill properties known as the Severn Mills, the Waubausheene Mills, and the Sturgeon Bay Mills for the purpose of carrying on the business of getting out timber and saw logs, and manufacturing the same into lumber, and generally for the carrying on the business of lumbering in all its branches; and whereas it is represented that the said business could be better and more economically carried on by a company to be composed of the applicants and other persons, and have prayed that an Act may be passed authorizing the formation of the said company for such purposes, and they may be incorporated under the title of "The Georgian Bay Lumber Company of Ontario," for the purposes of acquiring the said mill properties and works, for the purpose of manufacturing timber, saw-logs and other products of the wood, and also for the purpose of cutting, taking out, making and carrying timber and saw-logs for the purpose of such manufacture, and for the buying and

and selling of lumber and timber, properties, mill sites and water powers as may be deemed advisable for the carrying on of said business, and for the construction of all works, rail or tramways, mill engines, dams, sluices, scows, schooners, vessels and steamboats and other works necessary for carrying on of such business at Port Severn, Waubausheene, and Sturgeon Bay, all in the County of Simcoe, in the Province of Ontario, and at other places in said Province; And whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain persons incorporated.

1. Anson Greene Phelps Dodge, the Honourable John Beverley Robinson, D'Alton McCarthy the younger, Alexander Ritchie Christie, William Kerr, Harvey M. Mixer, Daniel Sprague, together with all such persons and corporations as shall become shareholders in the said company hereby incorporated, shall be and are hereby constituted a body corporate and politic by and under the name of "The Georgian Bay Lumber Company of Ontario."

Name.

Objects of company.

2. The said corporation is hereby constituted for the purpose of purchasing and acquiring the said saw mills and premises known as the Severn Mills, the Waubausheene Mills, and the Sturgeon Bay or Laramie Mills, and which are situate in the Village of Port Severn, and at Waubausheene, and on Sturgeon Bay, in the County of Simcoe, respectively, together with all such personal property which belonged to, or were used and enjoyed with the said saw mills.

Power to construct mills, tramways, wharves, etc.

3. The company may construct and maintain such buildings, mills, machinery, dwellings and other houses, barns and sheds, wharves and piers, rail or tramways, dams, sluices and other works as may be required or may be deemed advantageous for the carrying on the business of the said company.

Company may hold steam vessels, etc.

4. The company shall have power to construct, purchase, charter and navigate steam vessels and other water craft on any lake, river, or stream within the Province of Ontario, for the purpose of carrying, towing, or conveying saw logs, timber, lumber, laths, shingles, or other manufactured stuff in connection with the said mills, or any mill or mills hereafter to be erected or acquired by the said company.

Capital stock and shares.

5. The capital stock of the said company shall be one million dollars, in shares of one hundred dollars each, which stock shall be subscribed by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and all the rest and residue of

Application of capital.

of the said money shall be applied towards acquiring the said saw mills, water powers, mill sites and personal property, and such other personal property as may be required in carrying on the business of the company.

6. The directors of the company, if they see fit at any time after the whole capital stock shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount not exceeding one and a half million of dollars, which they may consider requisite in order to the due carrying out of the objects of the company ;

Increase of
capital stock.

(1.) Such by-law shall declare the number and shares of the new stock, and may prescribe the manner in which the same shall be allotted, and, in default of its so doing, the whole of such allotment shall be held to rest absolutely in the directors.

7. The directors of the company, if they see fit at any time, may make a by-law for decreasing the capital stock of the company to any amount which they may consider sufficient, in order to the due carrying out of the undertaking of the company, and advisable ;

Decreasing
capital stock

(1.) Such by-law shall declare the number and value of the shares of the stock as so decreased, and the allotment thereof, or the rule or rules by which the same shall be made.

8. But no by-law or by-laws for increasing or decreasing the capital stock of the company shall have any force or effect whatever until after it shall be sanctioned by a vote of not less than two-thirds in value of the shareholders at a general meeting of the company duly called for considering the same.

Affirming by-
laws for in-
creasing or
decreasing
capital stock.

9. The persons named in the first section of this Act are hereby constituted the board of provisional directors of the said company, a majority of whom shall be a quorum, and the said provisional board of directors shall hold office as such until the first election of directors under this Act, and shall have power to open stock books and procure subscription of stock for the undertaking, and to receive payment of the amount of stock subscribed, and make calls upon such subscribers in respect of their stock, and generally to do all matters and things necessary for the full organization and working of the company.

Provisional
directors,

10. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the amount has been actually paid thereon within fifteen days after subscription to the company into one of the chartered banks of this Province, to the credit of the company, and not to be withdrawn, except for the purposes of the company.

Ten per cent
to be paid on
stock.

11. When, and so soon as the shares to the amount of two hundred thousand dollars on the capital stock of the company have been subscribed for, and ten per centum thereon has been paid,

First general
meeting for
election of
directors.

paid, the provisional board of directors shall call a general meeting of the shareholders of the company, at the Town of Barrie, for the election of directors of the company, giving at least ten days' notice of the time, place, and purpose of the meeting previously thereto, in some newspaper published at, or near as may be, to the place of such meeting; and at the said meeting the shareholders to whom shares have been allotted in the books of the company shall elect persons qualified, as hereinafter provided, to be directors of the company, which persons shall constitute the board of directors of the company, and shall hold office until the first Monday in April next.

Who may vote
at same.

Term of office
of directors.

Annual gen-
eral meeting.

12. On the said first Monday of April in each year thereafter, there shall be held at the principal office of the said company, at the Town of Barrie, or at such other place as may from time to time be appointed by by-law of the said company within the Province of Ontario, at which meeting the shareholders shall elect such number of directors, not less than three nor more than five, as may be determined on by by-law of the said company, in the manner, and qualified as hereinafter provided, and due notice of such annual general meeting and election shall be given by written notice being forwarded to the address of each shareholder at least ten days before the day of such meeting.

Directors to be
elected by bal-
lot.

Qualification
of directors.

13. All the elections of directors shall be by ballot, each shareholder being entitled to as many votes as he, she, or they have shares in the company; and the persons so elected, if qualified, as hereinafter provided, shall form the board of directors of the company; but no person shall be so elected unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any calls thereon.

Failure to elect
directors.

How remedied

14. If at any time an election of directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company called for that purpose, and the retiring directors shall continue in office until their successors are appointed.

Aliens may be
shareholders
and vote.

15. Aliens, as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the company, and all such shareholders shall be entitled to vote on their shares, and be eligible to office as directors of the company, being duly qualified as herein provided.

Who may vote
at meetings.

16. No shareholder shall be qualified to vote at any meeting in respect of any share in which at least ten per centum shall not have been paid, together with all calls due at the time of the meeting.

Quorum of di-
rectors.

17. At all meetings of the board of directors a majority of the number of the board shall form a quorum, for the transaction of

of business, and the board may employ one or more of their number as paid director or directors.

18. The said board of directors shall elect and appoint a president and a vice-president, and the necessary officers, and may remove the latter at pleasure, and fill up vacancies from time to time; but the said president and vice-president shall be elected annually, immediately after the election of directors, except that in filling up a vacancy the election may be made at any time.

Election of president and officers and filling vacancies.

19. The directors of the company shall have full power in all things to administer the affairs of the company; and may make or cause to be made for the company any description of contract which the company may by law enter into, and may from time to time make by-laws not contrary to law, nor to this Act, to regulate the allotment of stock; the making of calls thereon, the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of stock; the declaration and payment of dividends; the number of directors; the amount of their stock qualification; the appointment, functions, duties, and removal of all agents, officers and servants of the company; the security to be given by them to the company, and their remuneration; the place where the annual meetings of the company shall be held within the Province of Ontario; the calling of meetings, regular and special, of the board of directors and of the company; the requirements as to proxies and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and generally all such by-laws as shall appear to them proper and necessary, touching the well ordering, and conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend, and re-enact the same, but no such by-law, nor any repeal, amendment or re-enactment thereof, except for the purpose of regulating the working of the said company, the appointments, functions, duties and removal of agents, officers, and servants of the company, the security to be given by them to the company, and their remuneration, shall have any force or effect until confirmed at the annual general, or a special meeting called for the purpose of taking the same into consideration, and confirming or annulling the same, and in default of confirmation thereat shall be of no force or effect: Provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

Powers and duties of directors.

Confirmation of by-laws.

Proviso for calling special general meetings.

20. A copy of any by-law of the company, under their seal, and purporting to be signed by any officer of the company, shall

Evidence of by-laws.

be

be received as *prima facie* evidence of such by-law in all courts of law and equity in Ontario.

Stock personal
estate.

21. The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions as by this Act or by-law of the company are or shall be prescribed.

Allotment of
stock.

22. The stock of the company shall be allotted when, and as the directors by by-law or otherwise may ordain.

Calling in in-
stalments.

23. The directors of the said company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments as this Act or the by-laws of the company may require or allow.

Enforcement
of payment of
call by action.

24. The said company may enforce payment of all calls, and interest thereon, by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the company under this Act; and a certificate under seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him, and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Forfeiture of
shares.

25. If after such demand or notice, as by by-laws of the said company may be prescribed, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any share whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise they shall ordain.

Shareholders
in arrears not
to vote.

26. No shareholder, being in arrear in respect of any call shall be entitled to vote at any meeting of the said company.

Company not
liable in re-
spect of trusts.

27. The said company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any share; and the receipt of the shareholders in whose name the same may stand in the books of the said company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the said company,

company, and the company shall not be bound to see to the application of the money paid on such receipt.

28. Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted, or endorsed, and every promissory note and cheque made, drawn and endorsed, on behalf of the said company by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a majority of the quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note, or cheque, nor shall the said president or vice-president or the secretary or treasurer be thereby subjected, individually, to any liability whatever to any third party therefor, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company; Provided that nothing in this Act shall be construed to authorize the said company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or insurance.

Contracts by
the company.

29. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholders.

Liability of
shareholders.

30. The shareholders of the said company shall not as such, be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the said company beyond the amount of their respective shares in the capital stock thereof.

Liability of
shareholders
limited.

31. The shareholders of the company shall be jointly and severally, individually liable for all debts due and owing to any of the labourers, servants and employees thereof, for services performed for such company; but no shareholder in any such company, shall be personally liable in the foregoing, or in any other of the cases in which personal liability is imposed by this Act, for the payment of any debt contracted by any such company, which is not to be paid within one year from the time the debt is contracted; nor unless a suit for the collection of such debt be brought against the company within one year after the debt

Liability of
shareholders.

debt became due; and no suit shall be brought against any shareholder in any such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part.

Power to borrow money.

32. The directors of the said company are hereby authorized and empowered from time to time to borrow for the purposes of the company, any sum or sums of money, and for that purpose to issue bonds or debentures on such terms as they may think proper, and may pledge all the property or income of the said company, or either the property or income of said company, or any part thereof, for the re-payment of the money so raised or borrowed, and the payment of the interest thereon, as may be expressed in said bonds or debentures, which shall form a charge accordingly, and such bonds or debentures shall be in such forms, and for such amount, and payable at such times and places as the directors from time to time may appoint and direct; the said bonds or debentures shall be signed by the president or vice-president, and shall have the corporation seal of the company affixed thereto: Provided always, that the consent of two-thirds in value of the stockholders of the company shall be first had and obtained at a special meeting, to be called and held for that purpose: Provided, also, that the said company shall not be authorized at any time to borrow a sum exceeding one-half the amount of the capital stock then paid up.

Proviso.

Proviso.

CAP. C.

An Act to incorporate the Maganettewan Lumber Company of Ontario.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS Anson Greene Phelps Dodge, of Keswick, in the Township of North Gwillimbury, in the County of York, Charles Henry Dill, and William Dunn Knitzing of Byng Inlet, on Lake Huron, Levi Miller, of the Village of Belle Ewart, in the County of Simcoe, lumberers, and D'Alton McCarthy, the younger, and Harvey M. Mixer, of the Township of Barrie, in the County of Simcoe, have represented that they having entered into an agreement for the purpose of purchasing the mill property and works at Byng Inlet aforesaid, and which was formerly known as the Anson, and lately as the Maganettewan Mills, for the purpose of getting out timber and saw logs and manufacturing lumber at Byng Inlet aforesaid, and whereas Messieurs Clarke, White & Company, being possessed of a saw mill at Byng Inlet aforesaid, and having been engaged in carrying on said business and being desirous of amalgamating

amalgamating and consolidating the same with that purpose to be carried on by the applicants aforesaid, have entered into an agreement with them to sell to them, the said applicants, their said mill property so soon as a company is formed for the purpose of purchasing and holding the said property and carrying on the business of lumbering at Byng Inlet aforesaid, in and by means of the said mills; And whereas it is represented that it will tend greatly to the economical working of the said properties and much to the advantage of the said applicants, that a Company should be formed of the said applicants and other persons for the purpose of purchasing the said mills, and they have applied for an Act of incorporation to facilitate the object with which they are associated, and to empower the said proposed Company to purchase the said mill property, and for the purpose of carrying on the lumber business in all its branches in the said mills; And whereas the said applicants have asked that an Act may be passed authorizing the formation of such Company for such purposes, and they may be incorporated under the title of "The Maganettewan Lumber Company of Ontario," for the purpose of manufacturing timber, saw-logs and other products of the wood, and also for the purpose of cutting, taking out, making and carrying timber and saw-logs for the purpose of such manufacture, and for the buying and selling of lumber and timber, and for acquiring, holding, alienating and conveying such mill properties, mill sites, and water powers as may be deemed advisable for the carrying on of said business, and for the construction of all works, rail or tramways, mill engines, dams, sluices, scows, schooners, vessels and steam-boats and other works necessary for carrying on of such business at Byng Inlet, in the Province of Ontario, and at other places in said Province; And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Anson Greene Phelps Dodge, Charles Henry Dill, Levi Miller, Alanson Sumner Page, Wm. Dunn Knitzing, and Harvey M. Mixer, together with all such persons and corporations as shall become shareholders in the said company hereby incorporated shall be and are hereby constituted a body corporate and politic by and under the name of "The Maganettewan Lumber Company of Ontario." Certain persons incorporated.

2. The said corporation is hereby constituted for the purpose of purchasing and acquiring the said saw mill and premises known as the Anson or Maganettewan Mills, and the Mills belonging to Messrs. Clarke, White & Company, and which are situate at Byng Inlet, together with all personal property which belonged to, or were used, and enjoyed with the said saw mills. Object of company.

3. The company may construct or maintain such buildings, Power to construct mills,

tramways,
wharves, etc.

mills, machinery, dwelling and other houses, barns and sheds, wharves and piers, rail or tramways, dams, sluices and other works as may be required, or may be deemed advantageous for the carrying on of the business of the said company.

Company may
hold steam
vessels, etc.

4. The company shall have power to construct, purchase, charter, and navigate steam vessels and other water craft, on any lake, river, or stream within the Province of Ontario, for the purpose of carrying, towing, or conveying saw logs, timber, lumber, laths, shingles, or other manufactured stuff, in connection with the said mills, or any mill or mills hereafter to be erected or acquired by the said company.

Capital stock
and shares.

5. The capital stock of the said company shall be seven hundred thousand dollars, in shares of one hundred dollars each, which stock shall be subscribed by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all fees, expenses, and disbursements for procuring the passing of this Act, and all the rest and residue of the said money shall be applied towards acquiring the said saw mills, water-powers, mill sites and personal property, and such other personal property as may be required in carrying on the business of the said company.

Application of
capital.

Increase of
capital stock

6. The directors of the company if they see fit at any time after the whole capital stock shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the company to any amount not exceeding one and a half million of dollars, which they may consider requisite in order to the due carrying out of the objects of the company;

(1.) Such by-law shall declare the number and shares of the new stock, and may prescribe the manner in which the same shall be allotted, and in default of its so doing, the control of such allotment shall be held to vest absolutely in the directors.

Decreasing
capital stock.

7. The directors of the company, if they see fit at any time may make a by-law for decreasing the capital stock of the company to any amount which they may consider sufficient, in order to the due carrying out of the undertaking of the company, and advisable;

(1.) Such by-law shall declare the number and value of the shares of the stock so decreased, and the allotment thereof, or the rule or rules by which the same shall be made.

Affirming by-
laws for in-
creasing or de-
creasing
capital stock.

8. But no by-law for increasing or decreasing the capital stock of the company, shall have any force or effect whatever until after it shall be sanctioned by a vote of not less than three-fourths in value of the shareholders, at a general meeting of the company duly called for considering the same.

Provisional
directors,

9. Anson G. P. Dodge, D'Alton McCarthy and Harvey M. Mixer,

Mixer, named in the first section of this Act, are hereby constituted the board of provisional directors of the said company, a majority of whom shall be a quorum; and the said provisional board of directors shall hold office as such until the first election of directors under this Act, and shall have power to open stock books and procure subscription of stock for the undertaking, and to receive payment of the amount of stock subscribed, and to make calls upon such subscribers in respect of their stock, and generally to do all matters and things necessary for the full organization and working of the company. their powers.

10. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the amount has been actually paid thereon within fifteen days after subscription to the company into one of the chartered banks of this Province, to the credit of the company, and not to be withdrawn, except for the purpose of the company. Ten per cent. to be paid on stock.

11. When, and as soon as the shares to the amount of two hundred thousand dollars on the capital stock of the company have been subscribed for, and ten per centum thereon has been paid, the provisional board of directors shall call a general meeting of the shareholders of the company, at the Town of Barrie, for the election of directors of the company, giving at least ten days' notice of the time, place, and purpose of the meeting previously thereto, in some newspaper published at, or near as may be, to the place of such meeting; and at the said meeting the shareholders to whom shares have been allotted in the books of the company shall elect persons qualified, as hereinafter provided, to be directors of the company, which persons shall constitute the board of directors of the company, and shall hold office until the first Monday in April next. First general meeting for election of directors.

Who may vote at same.

Term of office of directors.

12. On the said first Monday of April in each year thereafter, there shall be held at the principal office of the said company, at the Town of Barrie, or at such other place as may from time to time be appointed by by-law of the said company within the Province of Ontario, at which meeting the shareholders shall elect such number of directors, not less than three, nor more than five, as may be determined on by by-law of the said company, in the manner, and qualified as hereinafter provided; and due notice of such annual general meeting and election shall be given by written notice being forwarded to the address of each shareholder at least ten days before the day of such meeting. Annual general meeting.

13. All the election of directors shall be by ballot, each shareholder being entitled to as many votes as he, she, or they, have shares in the company; and the persons so elected, if qualified, as hereinafter provided, shall form the board of directors of the company; but no person shall be so elected unless Directors to be elected by ballot.

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Qualification of directors. he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any calls thereon.

Failure to elect directors, How remedied. **14.** If at any time an election of directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company called for that purpose, and the retiring directors shall continue in office until their successors are appointed.

Aliens may be shareholders and vote. **15.** Aliens, as well as British subjects, whether resident in Canada or elsewhere, may become shareholders in the company, and all such shareholders shall be entitled to vote on their shares, and be eligible to office as directors of the company being duly qualified as herein provided.

Who may vote at meetings. **16.** No shareholder shall be qualified to vote at any meeting in respect of any share in which at least ten per centum shall not have been paid, together with all calls due at the time of the meeting.

Quorum of directors. **17.** At all meetings of the board of directors a majority of the number of the board shall form a quorum for the transaction of business, and the board may employ one or more of their number as paid director or directors.

Election of president and officers and filling vacancies. **18.** The said board of directors shall elect and appoint a president and a vice-president, and the necessary officers, and may remove the latter at pleasure, and fill up vacancies from time to time; but the said president and vice-president shall be elected annually, immediately after the election of directors, except that in filling up a vacancy the election may be made at any time.

Power and duties of directors. **19.** The directors of the company shall have full power in all things to administer the affairs of the company; and may make or cause to be made for the company any description of contract which the company may by law enter into, and may from time to time make by-laws not contrary to law, nor to this Act, to regulate the allotment of stock; the making of calls thereon, the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of stock; the declaration and payment of dividends, the number of the directors; the amount of their stock qualification; the appointment, functions, duties, and removal of all agents, officers and servants of the company; the security to be given by them to the company, and their remuneration; the place where the annual meetings of the company shall be held within the Province; the calling of meetings, regular and special, of the board of directors and of the company; the requirements as to proxies and the procedure in all things at such

such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and generally all such by-laws as shall appear to them proper and necessary, touching the well ordering, and conduct in all other particulars of the affairs of the company; and may from time to time repeal, amend, and re-enact the same, but no such by-law, nor any repeal, amendments or re-enactment thereof, except for the purpose of regulating the working of the said company, the appointment, functions, duties, and removal of agents, officers, and servants of the company, the security to be given by them to the company, and their remuneration, shall have any force or effect until confirmed at the annual general, or a special meeting called for the purpose of taking the same into consideration, and confirming or annulling the same, and in default of confirmation thereat shall be of no force or effect: Confirmation of by-laws. Provided always, that one-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written requisition, and notice as they may issue to that effect. Proviso for calling special general meetings.

20. A copy of any by-law of the company, under their seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in Ontario. Evidence of by-laws.

21. The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions as by this Act or by-laws of the company are or shall be prescribed. Stock personal estate.

22. The stock of the company shall be allotted when, and as the directors by by-law or otherwise may ordain. Allotment of stock.

23. The directors of the said company may call in and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments as this Act or the by-law of the company may require or allow. Calling in instalments.

24. The said company may enforce payment of all calls, and interest thereon, by action in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the company under this Act; and a certificate under seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due
by

by him, and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Forfeiture of shares.

25. If after such demand or notice, as by by-laws of the said company may be prescribed, any call made upon any share or shares be not paid within such time as by such by-laws may be limited in that behalf, the directors in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any share whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise they shall ordain.

Shareholders in arrears not to vote.

26. No shareholder, being in arrear in respect of any call, shall be entitled to vote at any meeting of the said company.

Company not liable in respect of trusts.

27. The said company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any share ; and the receipt of the shareholders in whose name the same may stand in the books of the said company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the said company, and the company shall not be bound to see to the application of the money paid on such receipt.

Contracts by the company.

28. Every contract, agreement, engagement, or bargain made, and every bill of exchange drawn, accepted, or endorsed, and every promissory note and cheque made by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a majority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange shall be presumed to have been made by proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note, or cheque ; nor shall the said president or vice-president, or the secretary or treasurer, be thereby subjected, individually, to any liability whatever to any third party therefor, unless the same be given in respect of amounts due for wages or salaries to servants or employees of the company : Provided that nothing in this Act shall be construed to authorize the said company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or insurance.

Liability of shareholders.

29. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before

fore an execution against the company has been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholders.

30. The shareholders of the said company shall not as such, be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever relating to or connected with the said company beyond the amount of their respective shares in the capital stock thereof. Liability of shareholders limited.

31. The shareholders of the company shall be jointly and severally, individually liable for all debts due and owing to any of the labourers, servants and employees thereof, for services performed for such company; but no shareholder in any such company, shall be personally liable in the foregoing, or any other of the cases in which personal liability is imposed by this Act, for the payment of any debt contracted by any such company, which is not to be paid within one year from the time the debt is contracted; nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due; and no suit shall be brought against any shareholder in any such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company has been returned unsatisfied in whole or in part. Liability of shareholders.

32. The directors of the said company are hereby authorized and empowered from time to time to borrow for the purposes of the company, any sum or sums of money, and for that purpose to issue bonds or debentures on such terms as they may think proper, and may pledge all the property or income of the said company, or either the property or income of said company, or any part thereof, for the re-payment of the money so raised or borrowed, and the payment of the interest thereon, as may be expressed in said bonds or debentures, which shall form a charge accordingly, and such bonds or debentures shall be in such forms, and for such amount, and payable at such times and places as the directors from time to time may appoint and direct, the said bonds or debentures shall be signed by the president or vice-president, and shall have the corporation seal of the company affixed thereto: Provided always, that the consent of two-thirds, in value of the stockholders of the company, shall be first had and obtained at a special meeting, to be called and held for that purpose: Provided, also, that the said company shall not be authorized at any time to borrow a sum exceeding one-half the amount of the capital stock then paid up. Power to borrow money.

Proviso.

Proviso.

CAP. CI.

An Act to authorize the maintenance of certain Dams on the Salmon River, in the Township of Kennebec, and for other purposes herein mentioned.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS Hugo B. Rathbun and Edward W. Rathbun have by their petition represented that they are the owners of lot number nineteen and the east half of lot number eighteen in the seventh concession, and the occupants of lot number eighteen in the eighth concession of the township of Kennebec, in the county of Frontenac; and that they also own mills on the said Salmon River; and that for the purpose of floating logs and timber down the said Salmon River, a certain dam on the said river in lot number eighteen, in the seventh concession of the township of Kennebec aforesaid, has been kept and maintained for the last nineteen or twenty years; and that for the purpose of shortening the distance between the Cross Lake and the mouth of the said river, a cut has been made, which has facilitated and does facilitate the navigation of logs and timber down said stream, across which cut a dam has been erected; and further, that at great expense they have for many years kept and maintained said dams respectively, and they have prayed that they may be authorized to keep and maintain the said dams and the cut, respectively, for the purpose aforesaid: and whereas it would be for the public interest, and is therefore expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

H. B. & E. W. Rathbun to have property in dam across Salmon River

1. That the said Hugo B. Rathbun and Edward W. Rathbun, their heirs and assigns, the owners of the said lots number nineteen and the east half of lot number eighteen in the seventh concession of the township of Kennebec, in the county of Frontenac, shall have the right to keep and maintain the said cut so made as aforesaid, and also they shall have the right to keep and maintain the dam across the said cut, and also the said dam across Salmon River, so respectively erected for the purpose of raising and keeping up the waters of the said lake; Provided always, the said dam on Salmon River shall be provided with a slide, and the appliances now required by law in the case of mill dams; and further, that the water in the dam in the said cut shall not be let off to such an extent as to prevent the use of said slides and appliances by those navigating said river with lumber, logs and other stuff.

Proviso.

Compensation for injury to

2. That for all lands flooded by reason of the said dams, and which

which have been patented or agreed to be sold by the crown, ^{patented lands.} the said Hugo B. Rathbun and Edward W. Rathbun, or their assigns, shall to the owners thereof make compensation for the injury done to said lands, such compensation to be ascertained as hereinafter provided; but in cases where the patents heretofore issued, or which may be hereafter issued provide or stipulate against claims for damages by reason of the damming back or lowering the waters of Cross Lake by the means aforesaid, no claim for compensation shall be allowed.

3. That with respect to lands now vested in the crown and ^{Injury to Crown lands.} unsold, the said Hugo B. Rathbun and Edward W. Rathbun, their heirs and assigns, shall not be liable to any purchaser of said lands for any damage caused by said dams, or either of them, while maintained at a height not exceeding the present height of said dams respectively :

4. That with respect to the lands mentioned in the second ^{Compensation, how determined.} section of this Act, the compensation to be made for the lands flooded and injured, or either, may be agreed upon between the said Hugo B. Rathbun and Edward W. Rathbun, their heirs or assigns, in such manner and on such terms as the parties may agree upon; and in case of disagreement, then the proceedings to ascertain and fix said compensation shall be the same as are pointed out and provided in sections eighteen, nineteen and twenty of chapter forty-nine of the Consolidated Statutes for Upper Canada.

5. That in any notice of arbitration to be given under the ^{Notice of arbitration.} next preceding clause, there shall be inserted a description of the land and the damages to be arbitrated for and upon, and the said notice shall also name a sum which shall be offered as compensation for the said damages; and if the sum awarded is equal to or less than the sum so offered, the said owner shall ^{Costs.} pay the costs of the arbitration and award, and the same may be deducted from the amount of the said award.

6. That the said award shall be a complete bar to all further ^{Award to be final.} claims because of such dams or works, and for all damages occasioned thereby, provided, and while, they are maintained at no greater height than said dams now are.

7. That the said Hugo B. Rathbun and Edward W. Rathbun, ^{Registration of award.} or their assigns, may register any such award in the office of the registrar for said county, and the production of a certified copy thereof shall in all courts be taken as *prima facie* evidence of the said award and of the facts stated therein.

8. That after the water has been drawn off said Cross Lake ^{Closing the dams.} in each year, the said dams shall not be shut up or closed so as to dam back the water until the first day of March following,
 and

and that said dams shall not be kept closed in any year later than the fifteenth day of July.

This Act not
to affect 32 V.,
c. 28, s. 33.

9. Provided always that any powers or rights conveyed in this Act, shall be subject to, and shall not interfere with the powers vested in the Commissioner of Public Works, under the thirty-third section of the Act passed in the thirty-second year of the reign of Her Majesty, chaptered twenty-eight, and intituled "An Act respecting the Public Works of Ontario."

CAP. CII.

An Act to authorize and empower the Canada Company to divert the River Aux Sables, and to drain lands in the Townships of McGillivray, Bosanquet, and Stephen, in the Counties of Middlesex, Lambton and Huron.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the Canada Company, and a large number of the owners of lands in the township of McGillivray, in the county of Middlesex, in the township of Bosanquet, in the county of Lambton, and in the township of Stephen, in the county of Huron, have by their petition represented, that there is a large tract of marsh land in those townships which is rendered valueless by the periodical overflow of the River Aux Sables, and that the water arising from such overflow is stagnant on the said lands and is prejudicial to the health of the inhabitants of the said townships; and also that the cause of such overflow might be removed, and the said marsh lands be reclaimed, if the course of the said river was straightened and changed; and whereas the Canada Company have represented that they are the owners of the said marsh land and of other lands in the said townships, and that they are desirous of draining the same, and adopting such measures by diverting the course of the said river as will prevent the periodical overflow thereof, and cause the said marsh lands to be reclaimed; and it is desirable to enable them to do so:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Canada Com-
pany may
make drain
from River
aux Sables
to near
Port Franks.

1. It shall and may be lawful for the Canada Company to construct, or cause to be constructed, through all or any of the said townships a drain or channel of such dimensions as they may deem necessary, from a point on the said River Aux Sables, through the lands of the said Canada Company to such other point on Lake Huron near Port Franks as they may con- sider

sider advisable, and by such drain or channel to divert and turn the waters of the said river or such part thereof as may be necessary from their present course or channel into such new course or channel as may be formed by such drain or channel when so constructed, but not so as to impair or interfere with the navigable character of the said stream.

2. Before any work is commenced in the construction of the said drain or channel, the plans and manner of construction, and the course of such drain or channel shall be approved of by the Commissioner of Agriculture and Public Works of the Province of Ontario. Preliminary approval of Commissioner of Agriculture.

3. The said Canada Company shall make compensation to any riparian proprietors on the said river, for any damage done to, or injury suffered by the said proprietor in respect to his lands, by or in consequence of the construction of such drain or channel. Compensation.

CAP. CIII.

An Act to Incorporate the Gull Waters Improvement Company.

[Assented to 2nd March, 1872.]

WHEREAS Mossom Boyd, of Bobcaygeon, Archibald Hamilton Campbell, George Hilliard, John Ludgate and Alexander Smith, of the town of Peterborough, and Nathaniel Shaw, of Buckhorn, all in the County of Peterborough, owners of mills along the course of, or using the waters of, the Otonabee River and its tributaries for the purpose of conveying timber and saw-logs to their mills or to market, have by petition prayed to be incorporated as a company under the name of "The Gull Waters Improvement Company," for the purpose of erecting dams and slides, and of improving and increasing the supply of water in the Gull and Otonabee Rivers, in the Counties of Peterborough and Victoria, for manufacturing purposes and the more expeditious conveyance of timber and saw-logs; and it is expedient to grant the prayer of the said petitioners in the manner hereinafter mentioned: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Mossom Boyd, Archibald Hamilton Campbell, George Hilliard, John Ludgate, Alexander Smith and Nathaniel Shaw, together with such other persons as may become shareholders in the company to be by this Act created, and their Incorporation.

their assigns, shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic by the name of "The Gull Waters Improvement Company," and shall continue such corporation, and shall have perpetual succession, and a corporate seal with power to alter and change the same at pleasure, and may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity, and shall be capable of acquiring, holding and conveying, selling and departing with any lands, tenements and hereditaments which may be useful and necessary for the purposes of such corporation, and every such work as aforesaid, and all the materials from time to time provided for constructing, maintaining or repairing the same shall be vested in the said company and their successors.

Capital stock. **2.** The capital stock of the said company hereby incorporated shall be fifty thousand dollars, divided into one thousand shares of fifty dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns :
Scale of votes. Every shareholder shall be entitled to one vote for each share he may hold in the capital stock of the company at least one month prior to the time of voting; But no more than twenty-five thousand dollars of the said capital stock shall be expended in the construction or repair of the works hereby authorized, and the remainder shall form part of the assets for the satisfaction of any judgment which may be recovered against the company.

Limit to Shareholders' liability. **3.** The shareholders shall not as such be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to or connected with the said company, or the liabilities, acts or defaults of the said company, beyond the sums, if any, remaining unpaid, to complete the amount of their subscriptions to the company; but the shareholders in this company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof for services performed for such company, provided however that no shareholders in such company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the company within one year after the debt became due, and no suit shall be brought against any shareholder in such company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company, nor until an execution against the company shall have been returned unsatisfied in whole or in part.

Provisional Directors.

4. Mossom Boyd, Archibald Hamilton Campbell, George Hillard, John Ludgate, Alexander Smith and Nathaniel Shaw shall

shall be and are hereby constituted a provisional board of directors of the said company, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders; and each of the said persons shall subscribe not less than eight thousand dollars of the said stock.

5. The said provisional board of directors shall have full power to open stock books and procure subscriptions for the undertaking; to make calls upon the subscribers; grant certificates and receipts therefor; to make provisional by-laws to have force until the first general meeting of the company, and to do all other things necessary or expedient in order to the organization of the company and the conduct of its affairs until the election of a board of directors thereof.

Powers of Provisional Board.

6. When and so soon as the whole of the said capital stock shall have been subscribed and five per centum paid thereon, it shall be lawful for the provisional directors to call a meeting of the holders of such shares at such time and place in the town of Peterborough, as they shall think proper; at which said meeting the shareholders, shall either in person or by proxy, choose seven directors in the manner and qualified as hereinafter mentioned, to be directors of the said company, and to hold office until the first Wednesday in February following.

Meeting to choose Directors.

7. After the first election of directors, on the first Wednesday in February following, and on the first Wednesday in February in each year thereafter, there shall be elected by the shareholders of the company seven directors; and all elections for directors shall be by ballot; and if a vacancy shall at any time happen among the directors by death, resignation, removal from the Province, or from any other cause whatsoever, such vacancy shall be filled for the remainder of the year by a majority of the directors, and the said seven directors shall form the board of directors; nevertheless any acts done by the surviving directors, without having the vacancy filled up, shall not be deemed invalid.

Annual election of Directors.

8. The persons qualified to be directors of the said company shall be shareholders, holding stock to the amount of five hundred dollars each, and who shall have paid all calls on said stock.

Qualification of Directors.

9. If at any time an election of directors be not made, or do not take effect at the time appointed under this Act, the corporation hereby constituted shall not be taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be duly called by the board of directors for that purpose, and the term of office of any retiring directors shall not be deemed to have expired until his successor shall have been elected.

Consequence of non-election of Directors.

Election of
President and
Vice-Presi-
dent.

10. The directors shall elect from amongst themselves a president and vice-president, one of whom shall preside at the general board meetings, and otherwise discharge the duties pertaining to such office.

Execution of
documents.

11. The said directors shall and may use or affix the common seal of the said corporation to any document which in their judgment may require the same; and any act or deed bearing the seal, and signed by the president or vice-president, and countersigned by the secretary, shall be held to be the act and deed of the corporation.

Three Direc-
tors a quorum.

12. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, three directors, of whom the president or vice-president when elected shall be one, shall form a quorum for the transaction of business, and may exercise all the powers of the board; and the said board of directors may employ one of their number as secretary or treasurer of the said company, to be allowed and paid a reasonable and fair sum for his services as such.

Directors may
be paid, or act
as paid Secre-
tary.

How capital to
be paid.

Proviso.

13. The shares of the capital stock subscribed for shall be paid in, and by such instalments, and at such times and places as the said directors shall appoint: Provided that no share or shares shall be held to be lawfully subscribed for, unless a sum equal to at least ten per centum on the amount subscribed for be actually paid at the time of subscribing, or the person so subscribing be entitled, under the terms of the section following, to credit for a sum equal to the said ten per centum required above.

Subscribers to
certain works
to get credit
for amount
paid.

Proviso.

14. It shall be lawful for the directors, and they are hereby required to give to any person or persons, who may have subscribed and paid since the first day of March, one thousand eight hundred and seventy, any sum or sums of money for the constructing, repairing and maintaining of the dams, slides and other works at the Falls known as Burleigh, Elliotts, McLachlans and Fenelon, all situated on the said waters, credit on the books of the company for such sum or sums so paid as so much cash paid on any share or shares of this company subscribed by and allotted to them; but should they or any of them refuse or neglect within thirty days after they shall have received notice thereof to subscribe for such shares, the person so refusing or neglecting shall have no claim upon this company whatsoever or right or interest in any of the said works by reason or in respect of such sum or sums of money so paid by them, and which works are hereby vested in this company; Provided that no sum shall be allowed in respect of any of part of the said works which have been damaged or destroyed to any extent beyond the present value of such works.

Powers of
Directors

15. The directors of the said company shall have full power and

and authority to make, prescribe, alter, amend, repeal and re-enact all such by-laws, rules and regulations, as shall appear to them proper and needful touching the well-ordering of the company, the acquirement, management and disposition of its stock, property, estate and effects, and of its affairs and business: and particularly the said directors shall have power to make, prescribe, alter, amend, repeal or re-enact by-laws, rules and regulations touching the following matters:—

A. The calling up and payment from time to time of the capital stock of the said company;

B. The issue of certificates to the respective shareholders of the said company of their shares therein, and the registration thereof in the books of the company, with the address of the shareholders;

C. The forfeiture or sale of shares for non-payment of calls on the shareholder;

D. The transfer of shares; Provided that no transfer of shares shall take place except to solvent persons; and in order to secure compliance with this proviso, any proposed transfer shall be submitted to the commissioner of public works for his approval before the same is made.

E. The declaration and payment of profits of the said company, and dividends in respect thereof;

F. The maintenance and investment of the sinking fund hereafter provided to be raised;

G. The appointment, removal and remuneration of all such managers, agents, officers, clerks or servants of the company, as they shall deem necessary for carrying on the business of the said company, and the security (if any) to be taken from such parties respectively for the due performance of their respective duties;

H. The calling of general, special or other meetings of the board of directors and of the company;

I. The making and entering into deeds, bills, notes, agreements, contracts, arbitrations, and other documents to bind the company;

J. The borrowing or advancing money for promoting the purposes and interests of the company, and the securities to be given by or to the said company for the same;

K. The keeping of minutes of the proceedings of the said company, and making the same conclusive and binding on the shareholders, and rectifying any errors which may be made therein;

L. To submit to the annual meeting of the shareholders a clear and detailed statement of the affairs of the said company;

M. The audit of the accounts and appointment of auditors.

16. Any copy of the by-laws of the said company or any of them purporting to be under the hand of the secretary, and having the seal of the company affixed, shall be received as *prima* Copy of by-laws as evidence.

prima facie evidence of such by-law in all the courts of this Province.

Peterborough
chief place of
business.

Books.

17. The chief place of business of the said company shall be at the town of Peterborough, where the said company shall keep regular books of accounts, in which shall be entered a correct statement of the assets, receipts, and disbursements of the company, and such books shall be at all times open to the inspection and examination of any stockholders, or any person for that purpose appointed by the Commissioner of Public Works; and every such inspector may take copies or extracts from the same, and may require and receive from the keeper of such books, and also from the president and each of the directors of the company, and all the other officers and servants thereof, all such information as to such books and the affairs of the company generally, as the inspector deems necessary for the full and satisfactory investigation into and report upon the state of the affairs of the company.

Majority of
votes at all
meetings to
govern.

Proviso.

18. At any general meeting of the company, or at any meeting of the directors, all transactions, questions and matters shall be determined by a majority of the votes of the shareholders or directors, as the case may be, present and assisting at such meeting, either in person, or in case of a meeting of the shareholders, by proxy: Provided always, that no shareholder shall be entitled to vote at any meeting of the company, or be capable of election as a director who shall then be in arrear for the payment of any calls then actually overdue and unpaid on his shares.

Notice of calls
and meetings.

19. All notice of calls on stock and meetings of the shareholders shall be published for one month in the *Ontario Gazette* and in one newspaper in each of the towns of Peterborough and Lindsay for four weeks before the day for holding said meeting, or the time on which said call on stock is made payable.

Shares how
transferable.

20. The shares in the capital stock of the company shall be deemed personal estate, and shall be transferable as such, but in such manner only and subject to all such restrictions as by any by-law of the company may be prescribed; and no shares shall be transferable unless with the express consent of the board of directors until fully paid up.

Calls how en-
forced by suit
or forfeiture.

21. It shall be lawful for the company to enforce payment of any calls or of any unpaid part thereof, with interest upon the sum due from the time of the call and costs, or to forfeit and sell the shares whereon the same may be due or a sufficiency of them, for the payment of the amount due with interest and costs of sale; and in any suit it shall be sufficient to allege the defendant to be the holder of one or more shares, as the case may be, and to be indebted to the company in the amount in arrear

arrear thereon; and a certificate under their seal and purporting to be signed by any officer of the company to the effect that the defendant is a shareholder, and that the calls in question have been made, and that the amount claimed thereon is due and unpaid, shall be received as *prima facie* evidence to that effect.

22. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive in respect of any shares; and the receipt of the shareholder in whose name the same shall stand in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to trusts, &c.

23. The said company shall not be at liberty to construct any works over or upon, or otherwise interfere with or injure any private property or the property of the Crown, without first having obtained the consent of the owner or occupier thereof, or of the Crown, or upon reference to arbitration as hereinafter provided.

Works not to be constructed on property not belonging to the Company.

24. The said corporation shall have power to acquire and enter on lands, and refer claims arising therefrom or from any injuries done thereto by the operations of the corporation to arbitration as provided in sections forty-one to fifty-two, both inclusive, of chapter sixty-eight of the Consolidated Statutes of Canada.

Power to acquire lands, and refer claims.

25. Any injury or interference with the works of the said corporation, or with their servants, shall be punished in the manner provided in sections sixty-seven to seventy-four, both inclusive, of the said chapter sixty-eight of the Consolidated Statutes of Canada.

Injury or interference how punished.

26. The said corporation shall have power to take, use, enter upon and occupy any lands, and to construct any dams, slides, reservoirs, cuts, or other works they may deem expedient, also to raise, strengthen, gravel or otherwise improve any dams or other works already constructed upon or along the waters of the said Gull and Otonabee Rivers and their tributaries above Stoney and Clear Lakes, for the purpose of facilitating the transmission of timber and saw-logs, and improving and increasing the supply of water therein with the consent of the owners or occupiers thereof, or where such consent cannot be obtained, then subject to the provisions as to arbitration upon the claims arising therefrom, or from injuries done thereby, as provided in section twenty-four, and generally to do all things necessary for the accomplishing of the same, and nothing in this Act contained shall authorize the said company to take possession of, or in anywise injure

May enter on lands, and build dams, slides, &c.

injure any mill site, or injuriously affect the flow of water to or from any mill site upon which there is existing any mills or machinery, or any hydraulic works other than those intended to facilitate the passage of timber ; and the said company shall not commence any work which interferes with or endangers any such occupied mill site, without the assent in writing of the proprietors thereof previously obtained, or an award by arbitrators appointed as herein provided, to the effect that the proposed works will not injure such mill site ; and, provided also further, that none of the works or acts of the company shall in anywise injure or injuriously affect the navigation of the natural channels of the said streams and waters.

Preliminary approval of Commissioner of Public Works.

27. The company shall not commence any such works until the approval of the Commissioner of Public Works has been signified in writing to the said company, and the said company shall furnish to the said Commissioner of Public Works, such information and particulars as he may require to enable him to consider the propriety of signifying such approval.

Commissioner of Public Works may direct as to user of rights, &c.

28. The Commissioner of Public Works shall have authority to enquire into any complaint made to him as to the user by the company of the rights conferred by this Act, and to give such directions as may seem just, and the company shall be bound to comply with such directions, and in default of such compliance the rights conferred on the company by this Act shall cease and determine.

Power to impose Tolls.

29. The directors shall have power from time to time by by-law to impose a tariff of tolls to be paid in respect of the carriage of timber, lumber and saw-logs over, upon or past the dams, slides, or other works, erected by the company, to which they may acquire right by purchase or otherwise ; Provided that in fixing such tolls the value of the works erected before the year one thousand eight hundred and seventy, shall not be taken into account ; Provided further, that the rate of such tolls and tariff shall be equal for all persons, and shall be first approved, and shall from time to time be subject to revision by the Lieutenant-Governor in Council ; Provided further that in no case shall any tolls be levied from any person for or in respect of his using the natural and navigable channels of the said streams or waters, whether their present condition be improved or not, but that such tolls shall be payable only in respect of actually using the said dams, slides, and erections of the company, for the carriage of timber, saw-logs and lumber as aforesaid ; and provided further that all persons paying the authorized tolls and tariff, shall have the right to use the said erections of the company at all reasonable times, subject to the provisions of this Act.

Regulate the flow of water

30. The said directors shall have power to regulate the flow of water at their said works in such manner as shall seem to them

them most advisable, but not so in any wise to impair or injuriously affect any navigation above or below any of the said works.

31. The said sections of chapter sixty-eight of the Consolidated Statutes of Canada, as also sections sixty-one, sixty-two, sixty-five, sixty-six, seventy-four, and seventy-nine of the same Act, are incorporated with this Act.

Certain sections of Con. Stat. C., c. 68, to apply to this Act.

32. The said corporation shall at all times, when thereunto required by the Lieutenant-Governor, or by the Legislative Assembly, make a full return of all its property, real and personal, and of its liabilities, receipts and expenditure, to the Lieutenant-Governor or Legislative Assembly requiring, for such period, and with such details and other information as the Lieutenant-Governor or Legislative Assembly may require; and no amendment of this Act shall be deemed any infringement of the rights conferred on the company hereby.

Returns to be made.

CAP. CIV.

An Act to amend the Act incorporating the Pickering Harbour and Road Joint Stock Company, and to vest the same in the Honourable John Hillyard Cameron.

[Assented to 2nd March, 1872.]

WHEREAS the Pickering Harbour and Road Joint Stock Company was incorporated by an Act passed by the late Parliament of Canada in the sixteenth year of Her Majesty's reign, chaptered one hundred and forty-one, and intituled "An Act to incorporate the Pickering Harbour and Road Joint Stock Company": And whereas by the seventeenth section of the said Act the said company were empowered, by bond and mortgage of the said harbour, road and tolls, to borrow the sum of four thousand pounds: And whereas the Honourable John Hillyard Cameron, of the City of Toronto, has represented by petition that the said company borrowed the said sum of four thousand pounds from him by mortgage of the said harbour, road and tolls, and that having made default in the payment of the said sum of four thousand pounds and the interest thereon, the said John Hillyard Cameron entered into possession of the said harbour, road and tolls, having foreclosed the said mortgage, and has by himself and his tenants remained in possession thereof for upwards of fifteen years, and has expended large sums of money in the maintenance and improvement of the said harbour, and it is necessary for the preservation of the said harbour, that further large sums of money should be expended, and has prayed that the said harbour

and

and road may be absolutely vested in him, and it is just to grant the prayer of his said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Pickering
Harbour and
road vested in
Hon. J. H.
Cameron.

1. The said Pickering Harbour and Road and all the properties, rights, privileges and franchises belonging, appertaining, or attached thereto, and all tolls, rights, dues and claims belonging to or that might be exercised by the said Pickering Harbour and Road Joint Stock Company, or by the president and directors thereof, or by the shareholders, are hereby vested in the said John Hillyard Cameron, his heirs and assigns, and any persons whom he may associate with him, and may be by him and them exercised and enjoyed in the name of the Pickering Harbour and Road Joint Stock Company as fully and effectually to all intents and purposes as they could be by the said Pickering Harbour and Road Joint Stock Company, or the president and directors, or the shareholders thereof, under the said Act, subject always, to all the responsibilities and liabilities of the said company, with respect to the said harbour trusts.

Powers to
Hon. J. H.
Cameron to
sell, &c.

2. That the said John Hillyard Cameron, his heirs and assigns and any such persons as aforesaid, shall have full power and authority in the name of the said Pickering Harbour and Road Joint Stock Company to sell the said harbour, road and tolls, and the properties thereto belonging, or any share or interest therein, or to mortgage or lease the same; and the grantees, mortgagees and lessees of the said John Hillyard Cameron, his heirs and assigns and any such person as aforesaid, shall and may by the corporate name aforesaid, exercise and enjoy all the rights and privileges granted or conferred by the said Act of incorporation as fully and effectually to all intents and purposes as they may be exercised and enjoyed by the said John Hillyard Cameron, his heirs and assigns, under this Act, subject to all the common law liabilities incident to the said corporation.

CAP. CV.

An Act to appoint Trustees for certain Lands in the Town of Belleville for the purposes of the Presbyterian Church in connection with the Church of Scotland and to authorize said Trustees to borrow money on a portion thereof.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS it appears by the petition of Andrew Thomson, David Pitceathly, Thomas Kelso, Thomas Lazier, Robert Elliott, Alexander Robertson, John Bell, Alexander Burden and

and others, all of the town of Belleville in the County of Hastings that by letters patent bearing date the sixteenth day of March in the year of our Lord one thousand eight hundred and twenty-nine certain lands in the said town described thus, "All that parcel or tract of land situate in the town of Belleville in the County of Hastings in the Midland district, containing by admeasurement one acre be the same more or less, being composed of lots number thirty and thirty-one on the east side of Church Street in the said town of Belleville," were granted in fee to John Turnbull, Boswell Leavens, William Zwick, William H. Wallbridge, Charles Bonisteel, Anthony Marshall, George Cowper, Donald Murchison, William Robertson, and James H. Sampson, all of the town of Belleville in the County of Hastings in the Midland district aforesaid and to their successors in office, in trust for the site of a Presbyterian church in connection with and under the rules and forms of the Established Church of Scotland and for a burying ground attached to the said church; And further they have represented that the said trustees are now all dead without any successors being appointed in their place, and that it is the wish of the congregation of Saint Andrew's Church in Belleville, erected on said premises, that new trustees should be appointed and that the said lands should be vested in them for the purposes in the said letters patent mentioned; And that for the purpose of paying for the construction and completion of the new church with its appurtenances now being erected on said premises it is desired to borrow upon the security of a mortgage to be given on said new Church and the lands used therewith a sum not to exceed the sum of four thousand dollars; And whereas it is desirable to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said lands as described in the said patent and all the estate and interest therein of the original trustees named in said letters patent shall by virtue of this Act be, and the same are, hereby declared to be vested in fee simple in George Neilson, of the town of Belleville aforesaid, esquire, Andrew Thomson, of the same place, esquire, David Pitceathly, of the same place, merchant, Robert Elliott, of the same place, merchant, Alexander Robertson, of the same place, esquire, Thomas Lazier, of the same place, esquire, James Brown, of the same place, esquire, and John Bell, of the same place, esquire, and their successors in office to be appointed as hereinafter provided under the name of "The Trustees of Saint Andrew's Church, Belleville," in trust for the benefit of the said congregation, for the support of public worship and the propagation of Christian knowledge; and also for the site of a church and burial ground as provided in said letters patent.

Certain lands
vested in
trustees.

2. That in case any of the trustees hereby appointed or any Vacancies in succeeding

office of trustee how filled.

succeeding trustee or trustees to be appointed as hereinafter mentioned should happen to die or be desirous of being discharged from the powers or trusts hereby in them reposed or vested, or become incapable of acting in the same, then and in every such case and so often as the same shall happen the remaining trustee or trustees or the majority of them by any writing or writings under their hands and seals to be by them sealed and delivered in the presence of two or more credible witnesses may nominate, substitute and appoint any other fit person being a member of the congregation of said church in Belleville in the room or place of such trustee who shall so die or be desirous of being released from or discharged or become incapable of acting in the aforesaid trusts.

Church may be mortgaged for certain purposes.

3. That the said trustees and their successors in office under the same name, that is, under the name "The Trustees of St. Andrew's Church, Belleville," or in their own names, as may be found most expedient, shall have the power to mortgage the church now being erected upon the said lands and the part of the said lands necessary for the use thereof and access thereto; and on said mortgage to borrow a sum of money not exceeding the sum of four thousand dollars, for the purpose of finishing and completing the said church now in course of erection, and furnishing the same, and for laying down walks and approaches to said church, and also for fencing said lands, and to secure the repayment thereof with interest at such rate and at such time or times as may be agreed upon.

Renewal of mortgages.

4. It shall be lawful for the trustees for the time being or a majority of them, should occasion require, from time to time and at all times hereafter, to make new and further mortgages for the purpose of paying off any mortgage or mortgages then in existence upon the same property or any part thereof, upon such terms and at such times as the said trustees or a majority of them or their successors in office may deem proper.

Election of officers.

5. At the first meeting of the said trustees after the passing of this Act they shall elect a chairman and a Secretary-Treasurer from amongst themselves for the current year; and all meetings during the year shall be called by the chairman giving at least three days' notice in writing to each trustee of the time and place of such meeting, unless at the previous meeting the time and place of such meeting shall have been fixed by the trustees; Provided however such notice may be given by depositing the same in the post office in Belleville, addressed post-paid to each trustee, the day of mailing to count as one of said days and the day of meeting also to be included; and also provided that no notice need be given of any adjourned meeting, unless otherwise ordered by the trustees.

Meetings how called.

Notice of meetings.

Quorum of trustees.

6. A majority of the trustees shall be a quorum for the transaction of all business; and in case the regular chairman is not present

present at any meeting the trustees who are present shall elect Chairman.
a chairman to preside at that meeting.

7. Upon all questions brought before said trustees at any meeting at which a quorum is present a majority of the votes present shall decide, and any act of such majority or any act done in pursuance of a resolution carried by said majority shall be legal and valid, provided the same were within the powers of the said trustees.

Majority of
votes to
govern.

8. The chairman shall at all meetings have one vote only; and in case of an equality of votes the motion shall be considered lost.

Vote of chair-
man.

9. Any mortgage made in pursuance of this Act by the order of the said trustees in the name of "The Trustees of Saint Andrew's Church, Belleville," signed by the chairman in that name and sealed with any seal the chairman may adopt and affix, shall be valid and effectual and shall be binding upon that part of the property above described, which shall be mentioned therein and covered thereby, and shall, subject to the powers of redemption, vest the said property in the mortgagee as fully as if made in the name of said trustees.

Execution of
mortgages.

10. The secretary-treasurer shall keep a book and shall enter therein full minutes of all proceedings had or taken by the said trustees, and full accounts of all receipts and disbursements received and made by them; and said book shall be the property of the trustees, and at all times shall be open to their inspection.

Minutes and
accounts to be
kept.

CAP. CVI.

An Act to enable the Trustees of the Congregation of the Presbyterian Church of Canada in connection with the Church of Scotland, in Port Hope, to sell and convey certain lands.

[Assented to 2nd March, 1872.]

WHEREAS the minister, elders, trustees and members of the congregation of the Presbyterian Church of Canada in connection with the Church of Scotland, in Port Hope, have by their petition represented that the lands and premises hereinafter mentioned were conveyed to and are now held by the trustees of the said congregation in fee simple, and that by reason of the union of the congregation of the said church, heretofore forming the congregation of Saint Andrew's Church in Port Hope aforesaid, with the congregation of the Mill Street Presbyterian

Preamble.

Presbyterian Church in Port Hope aforesaid, the church premises called and known as Saint Andrew's Church are not any longer used or required by the said congregation, and that it is desirable to sell the said lands and premises, and apply the proceeds thereof towards payment of the debt on the building and lands of the said Mill Street Presbyterian Church :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Certain lands
in Port Hope
to be held by
Trustees.

1. All and singular those certain parcels or tracts of land and premises situate, lying and being in the town of Port Hope, in the county of Durham, in the Province of Ontario, containing by admeasurement six thousand four hundred square feet, be the same more or less, being composed of parts of lots numbers two hundred and ninety-nine and three hundred, as laid down on a plan of the said town made by the late John K. Roche, deputy provincial surveyor, for the executors of the late John David Smith, and deposited in the registry office of the said county of Durham, and more particularly described as follows : Commencing on the west side of Brown Street, north of North Street, and at the distance of fifty feet from North Street ; then westerly parallel with North Street one hundred feet, more or less, to the western limit of the said lot number three hundred ; then northerly along the said western limit sixty-four feet ; then easterly parallel with North Street one hundred feet, more or less, to Brown Street ; then southerly along the west side of Brown Street sixty-four feet to the place of beginning, together with all their rights, members and appurtenances, are hereby vested in John Lees, of Port Hope aforesaid, shoemaker, James O'Brien, of Port Hope aforesaid, carriage maker, Nathaniel Gillespie, of Port Hope aforesaid, painter, and John Grimmisson, of the township of Hope, in the said county of Durham, waggon maker, being "The Trustees of the Congregation of the Presbyterian Church of Canada in connection with the Church of Scotland in Port Hope," and their successors in office and assigns forever, upon trust, to hold the same for the benefit of the said congregation as hereinafter mentioned.

Trustees em-
powered to sell
and convey.

2. The said trustees and their successors in office are hereby authorized and empowered to sell and convey the whole or any part of the said lands and premises at such times and prices, and on such terms, and by private sale or public auction, as they may think best ; and to give time for the payment of the purchase money thereof ; and to take mortgages to secure the unpaid purchase moneys, or any part thereof.

Purchaser not
answerable for
application of
purchase
money.

3. No purchaser of the said lands and premises, or of any part thereof, shall be bound to see to the application, or be answerable for the non-application or misapplication of the purchase money paid by him, or any part thereof.

4. The said trustees and their successors in office shall apply the proceeds of the sale of the said lands and premises, or of such part or parts thereof as may be sold, after deducting all necessary expenses connected with the sale and conveyance thereof, towards payment of any debt existing upon the lands and building of the said Mill Street Presbyterian Church, and so far as the said proceeds shall not be required for that purpose, the said trustees and their successors in office shall apply the same to the purposes of the said congregation.

Application of
proceeds of
sales.

CAP. CVII.

An Act to enable the Trustees of the several Congregations, in Ontario, of the Wesleyan Methodist Church in Canada, in connexion with the English Conference, to place the lands held by them respectively under the directions and provisions of the "Model Deed" of the said Church, and for other purposes.

[Assented to 2nd March, 1872.]

WHEREAS the Wesleyan Methodist Church in Canada in connexion with the English Conference have by their petition, set forth that they are desirous that the trustees of several of the congregations of the said Church in the Province of Ontario, by what ever name they may hold, should be enabled to alter and extend the trusts and provisions contained in and by the several deeds under which the said trustees hold, so that the lands conveyed by such deeds may be placed under the like trusts and provisions as are set out and contained in a deed known as the Model Deed, bearing date the twenty-fourth day of May, in the year of our Lord one thousand eight hundred and fifty, and made between Joseph Bloor of the first part, Sarah Bloor of the second part, and The Trustees of the Yorkville Congregation of the Wesleyan Methodist Church in Canada of the third part, and registered in the Registry Office for the County of York, at twelve of the clock, noon, on the twenty-fifth day of May, in the year of our Lord one thousand eight hundred and fifty, as the trusts and provisions of such Model Deed are altered by this Act: And, that the trustees of each of the congregations of the said Church, now holding or to hold under said deed, should from time to time be enabled to add to their number, or to declare vacancies occasioned by resignation, removal to a distance, or other disability: And further, that they are desirous of having provided a short form of said conveyance to be taken to have the same effect, and to be construed as if it contained the form of words which set out the trusts contained

Preamble.

in said Model Deed as altered by this Act: And, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees of W
M. Church
property may
hold under the
same trusts as
are set out in
the Model Deed
as altered by
this Act.

1. From and after the passing of this Act the trustees of the several congregations in Ontario, of the Wesleyan Methodist Church of Canada in connexion with the English Conference, by whatever name they may hold the lands conveyed to them under deeds containing trusts, provisions, conditions and agreements differing from those which are set out in the said Model Deed as altered by this Act, may register in the Registry Office of the county, where the lands so held by them respectively are situated, a declaration signed by a majority of the said trustees in the form or to the effect of that set out in the third schedule to this Act, and thereupon the lands described in said declaration shall be held by them as such trustees by the name set out in said declaration under and upon the like trusts and for the purposes and under the directions and provisions of the Model Deed aforesaid as altered by this Act and set out in the first and second schedules hereto annexed, for such and the same ends, uses, intents and purposes, and with, under and subject to such and the same powers, provisions, declarations, and agreements, and to be controlled, disposed of, and managed by the like authorities, officers, trustees and persons appointed and to be appointed, and acting in the same manner, and with the same duties, powers, liabilities, and restrictions, in every particular and respect as are expressed, contained, and declared, or referred to in the said Model Deed as altered by this Act, and set out in the first and second schedules hereto annexed; saving always such right as may have been acquired by any person or corporation prior to the passing of this Act. The fee payable to the Registrar for the registration of such declaration, including all entries and certificates thereof, shall be fifty cents.

Fee to Reg-
istrars.

Model Deed
altered.

2. That the provisions of the said Model Deed shall be altered as appears by the words in italics in the paragraphs numbered twenty-one and twenty-two, respectively, in the said schedule, so as to enable the trustees of each of the congregations, holding or to hold under said Model Deed, from time to time to add to their number, and to declare vacancies occasioned by resignation, removal to a distance, or other disabilities, and the appointment of a new trustee or trustees, or of a successor or successors, shall be evidenced by a declaration signed by the surviving or remaining trustee or trustees, or a majority of them, or by the quarterly meeting, where the appointment is made by the said quarterly meeting, or by a majority of said quarterly meeting, in the form set out in the fourth schedule, hereto annexed, to be registered in the Registry Office in which the lands held under the deed, under which said appointment is made, is situated, and upon registration of which the said new trustee or trustees,

tees, successor or successors, shall have in perpetual succession the same capacities, powers, rights, duties, estates and interests, as are given to the trustees, in and by such deed: And the fee to be charged for registering said declaration, including all entries and certificates thereof, shall be fifty cents.

Fee to Registrars.

3. That when a deed of real property in Ontario, made according to the forms set forth in the first schedule to this Act, or any other such deed expressed to be made in pursuance of this Act, or referring thereto, contains any of the forms or words contained in column one of the second schedule to this Act, and distinguished by any number therein, such deed shall be taken to have the same effect, and be construed as if it contained the form of words contained in column two of the same schedule, and distinguished by the same number as is annexed to the form of words used in such deed, but it shall not be necessary in any such deed to insert any such number, and the said deed shall be taken to contain all the recitals set out in said Model Deed as printed in the Book of Discipline of the said Wesleyan Methodist Church of Canada, published by the Reverend Samuel Rose, at Toronto, in the year one thousand eight hundred and seventy.

Where words in column 1 of the second schedule are employed, the deed to have the same effect as if the words in column 2 were inserted.

Said deed to be considered as having recitals as in said Model Deed.

4. Any deed or part of a deed which fails to take effect by virtue of this Act shall nevertheless be as effectual to bind the parties thereto, so far as the rules of law and equity will permit, as if this Act had not been made.

Deeds failing to take effect under this Act to be as valid as if Act not made.

5. Every such deed, unless an exception be specially made therein, shall be held and construed to include all houses, out-houses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, underwoods, mounds, fences, hedges, ditches, ways, waters, water-courses, lights, liberties, privileges, easements, profits, commodities, emoluments, hereditaments, and appurtenances whatsoever, to the land therein comprised, belonging or in anywise appertaining, or with the same demised, held, used, occupied and enjoyed, or taken, or known as part or parcel thereof, and if the same purports to convey an estate in fee, also the reversion or reversions, remainder and remainders, yearly and other rents, issues and profits of the same lands, and of every part and parcel thereof, and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim, and demand whatsoever, both at law and in equity of the grantor in, to, out of, or upon, the same lands, and every part and parcel thereof, with their, and every of their appurtenances.

Effect of deed.

6. In the construction of this Act, and the schedules thereto, unless there be something in the subject or context repugnant to such construction, the word "lands" shall extend to all freehold tenements and hereditaments, whether corporeal or incorporeal, or any undivided part or share therein, respectively;

Interpretation of "lands" and "party."

and

and the word "party" shall mean and include any body politic or corporate or collegiate, as well as an individual.

Schedules, etc.,
to form part of
Act.

7. The schedules, and the directions and forms therein contained, shall be deemed parts of this Act.

SCHEDULES TO WHICH THIS ACT REFERS.

THE FIRST SCHEDULE.

This indenture made (in duplicate) the day of one thousand eight hundred and in pursuance of the Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered and in pursuance of the Act respecting short forms of conveyances; Between *(here insert the names, places of residence, and description of the grantors, parties barring dower, or other estates, and recitals, if any, describing the grantees in addition to their usual additions as The Trustees of the Congregation of the Wesleyan Methodist Church in Canada, in connexion with the English Conference)*, Witnesseth that in consideration of the sum of dollars of lawful money of Canada now paid by the said trustees to the said part of the part (the receipt whereof is hereby acknowledged) the said part of the part do grant and assign unto the said trustees and their successors in the said trusts, all, etc., (*parcels*) to have and to hold the said parcel or tract of land and premises unto and to the use of the said trustees and their successors in the said trusts forever upon the following trusts (*here set out the trusts, provisoes, covenants and other provisions*).

In witness whereof the said parties hereto have hereunto set their hands and seals.

THE SECOND SCHEDULE.

DIRECTIONS AS TO THE FORMS IN THIS SCHEDULE.

In cases of sale and conveyance of real property.

1. Parties who use any of the forms in the first column of this schedule may substitute the feminine gender for the masculine or the plural number for the singular in any of the forms in the first column of this schedule, and corresponding changes shall be taken to be made in the corresponding forms in the second column.

COLUMN ONE.

1. Upon trust to build a church and other buildings.

COLUMN TWO.

1. Upon trust, that they the said parties hereto of the third part, and their successors, or the trustees, or trustee, for the time being acting in the trusts of these presents, shall and do, with and out of the moneys now, or which may

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may hereafter be possessed by them or him for that purpose, and as soon after the execution of these presents as conveniently may be, erect and build upon the said parcel or tract of land, or upon some part thereof, and from time to time, and at all times hereafter, whenever it shall be necessary for the due accomplishment of the trusts of these presents, or of any of them, repair, alter, enlarge, and rebuild a church or place of religious worship, and a dwelling-house or dwelling-houses, vestry-room or vestry-rooms, school-room or school-rooms, and other offices, conveniences and appurtenances, or with or without any of them respectively, as, and in such manner as, the trustees for the time being of these presents shall, from time to time, deem necessary or expedient :

2. To permit building to be used as a church by the Wesleyan Methodists.

2. And upon further trust, from time to time, and at all times after the erection thereof, to permit and suffer the said church or place of religious worship with the appurtenances to be used, occupied and enjoyed as and for a place of religious worship by a congregation of the Wesleyan Methodist Church in Canada in connexion with the English Conference as aforesaid, and for public and other meetings and services, held according to the rules and discipline and general usages of the said Church ; and do and shall from time to time and at all times hereafter, permit and suffer such person or persons as are hereinafter mentioned or designated, and such person and persons only, to preach and expound God's holy word, and to perform the usual acts of religious worship therein, and burial services in the burying-ground thereto belonging ; that is to say, such person and persons as shall be from time to time approved, and for that purpose duly appointed by the said conference of the said Wesleyan Methodist Church ; and also such other person or persons as shall be thereunto from time to time duly permitted or appointed, (according to the rules and discipline of the said Wesleyan Methodist Church,) by the superintendent minister for the time being, of the circuit in which the said church or place of religious worship, shall for the time being be situated ; and also such other person and persons as shall be thereunto from time to time duly appointed by any authority lawfully constituted by the said conference

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ference to fill up any vacancy or vacancies, at any time occasioned by the death, removal or suspension of a minister or ministers, in or during any interval between the sittings of the said conference, but only until the next conference, and in no case any other person or persons whomsoever :

3. To permit dwelling-house on said premises to be used by the minister in charge.

3. And upon further trust, from time to time, and at all times hereafter, to permit and suffer such minister or ministers of the aforesaid Wesleyan Methodist Church in Canada to reside in, use, occupy and enjoy, free from the payment of any rent for the same, the dwelling-house or dwelling-houses, with the appurtenances, (if any there be) erected thereon for that purpose during such time and times as the said minister or ministers shall and may be duly authorized so to do, by his or their being appointed by the conference of the said Wesleyan Methodist Church in Canada, according to the rules and discipline thereof, to the circuit or station in which the same may be situated, without the let, suit, hindrance, or denial of the said trustees, or of any person or persons on their or any of their behalf ; and it is hereby declared, that the times and manner of the various services and ordinances of religious worship to be observed and performed in the said place of religious worship, shall be regulated according to the rules and discipline and general usage of the said Methodist Church ; and that the officiating minister for the time being, whether appointed by the said conference or permitted or appointed by the said superintendent minister for the time being, or otherwise permitted or appointed as in these presents is mentioned, shall have the direction and conducting of the same worship in conformity nevertheless to the said rules and discipline and general usage of the said Methodist Church ; Provided always that no person or persons whomsoever, shall at any time hereafter be permitted to preach or expound God's holy word, or to perform any of the usual acts of religious worship, upon the said parcel or tract of land and hereditaments, nor in the said church or place of religious worship and premises, or any of them, or any part or parts thereof, nor in or upon the appurtenances thereto belonging or any of them, or any part or

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or parts thereof, who shall maintain, promulgate, or teach any doctrine, or practice, contrary to what is contained in certain notes on the New Testament, commonly reputed to be the notes of the said John Wesley, and in the first four volumes of sermons commonly reputed to be written and published by him.

4. To permit Sunday schools to be carried on in said church.

4. And upon further trust, in case a school-room or school-rooms shall be erected or provided upon the said parcel or tract of land, or any part thereof as aforesaid, or, if there shall be no separate school-room or school-rooms, and it shall by the trustees for the time being of these presents or the major part of them, be thought necessary or expedient to hold and teach a Sunday or other school or schools, in any proper part of the said church or place of religious worship, then to permit and suffer a Sunday or other school or schools, to be held, conducted, and carried on from time to time in the said school-room or school-rooms, or if it shall be thought necessary or expedient as aforesaid, in the said church or place of religious worship as aforesaid, but if in the said church or place of religious worship, then only, at such hours and times, as shall not interfere with the public worship of Almighty God therein; and in all cases, whether in the said church or place of religious worship or not, under such government, orders and regulations as the said conference have directed or appointed, or shall hereafter from time to time direct or appoint; and also, subject always to the proviso hereinbefore contained respecting doctrines :

5. To take down and remove buildings and to re-build.

5. Provided always, that it shall be lawful for the trustees for the time being of these presents, or the major part of them, when and so often as they shall deem the same necessary or expedient to take down and remove the said church, vestry-room or vestry-rooms, school-room or school-rooms, dwelling-house or dwelling-houses, offices, conveniences or appurtenances to the said church or place of religious worship and premises belonging or appertaining, or all, or any of them, or any part or parts thereof, respectively, for the purpose of rebuilding the said church or place of religious worship, or for the purpose of building
or

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or re-building any other vestry-room or vestry-rooms, school-room or school-rooms, dwelling-house or dwelling-houses, offices, conveniences and appurtenances, or enlarging, or altering the same respectively, or all, or any of them, so as to render the premises better adapted to, and for the due accomplishment of the trusts, intents and purposes of these presents :

6. To mortgage provided mortgage covers debt.

6. And it is hereby declared that from time to time, and at all times hereafter, it shall and may be lawful to and for the trustees for the time being of these presents, or the major part of them, to mortgage and for that purpose to appoint, convey and assure in fee, or for any term or terms of years, the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or any part or parts thereof respectively, to any person or persons whosoever, for securing such sum or sums of money as may be requisite or necessary, in or for the due execution and accomplishment of the trusts and purposes of these presents, or any of them, according to the true intent and meaning thereof; Nevertheless it is hereby declared that no mortgage or mortgages, nor any disposition whatsoever by way of mortgage, shall at any time hereafter be made of the said trust premises, or any part or parts thereof, under or by virtue of these presents unless such mortgage or mortgages shall in the aggregate amount to and cover the whole debt, or the aggregate amount of the whole of the debts which at the time of the execution of such mortgage or mortgages shall be due and owing, either legally or equitably, in respect, or on account of, or in relation to the said trust premises, or from the said trustees for the time being, or any of them, for, or on account, or in respect of the said trust premises, or some part or parts thereof respectively, excepting only such debt and debts as may then be accruing, due, for or on account of the ordinary current expenses of the said church or place of religious worship and premises; but it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, or upon any intended mortgagee or mortgagees of the said trust premises, or any part or parts thereof, to inquire into the necessity, expediency or propriety of any mortgage or mortgages which

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which shall be made, or be proposed to be made, under or by virtue of these presents, or whether the same is or are made, or intended to be made, for the whole amount of the debt, or of the aggregate amount of the debts, which shall be so due and owing as aforesaid; nor shall anything in these presents contained, or which may be contained in any such mortgage or mortgages, extend or be construed to extend, unless where the contrary shall, with the full knowledge and consent of the said trustees for the time being, or the major part of them, be therein actually expressed to hinder, prevent, or make unlawful the taking down, removing, enlarging or altering the said buildings and premises, or any of them respectively, as in these presents before mentioned and provided for in that behalf, nor in any manner to hinder, prevent or interfere with the due execution of the trusts or purposes of these presents, or any of them, so long as such mortgagee or mortgagees, his, her, or their heirs, executors, administrators and assigns, shall not be in the actual possession, as such mortgagee or mortgagees, of the hereditaments comprised or to be comprised in such mortgage or mortgages, anything in these presents contained to the contrary in anywise notwithstanding:

7. To let pews, and sittings, and dwelling-houses, and to sell graves and tombs.

7. And upon further trust from time to time, and at all times hereafter, to let the pews and seats in the said church or place of religious worship at a reasonable rent or reasonable rents [reserving as many free seats for the poor, where, and as may be thought necessary or expedient], and if there shall be any such dwelling-house or dwelling-houses, school-room or school-rooms, or other building or buildings, or any of them, erected and built as aforesaid, then to let the same, or any of them [other than such as shall or may have been erected and built for or appropriated to the use and occupancy of the minister or ministers duly appointed to the circuit or station in which the same shall be situated], at a reasonable rent or reasonable rents, and also, if there shall be a cemetery or burial ground, to let graves and tombs at a reasonable rent or reasonable rents, or to sell graves and tombs at a reasonable price or reasonable prices, and to collect, get in and receive.

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receive the rents, profits and income to arise in any manner from the said premises [excepting moneys which shall from time to time arise from collections or subscriptions duly made therein, according to the rules and discipline and general usage of the said Methodist Church, for other purposes than for the immediate purposes of the said trust estate], as and when the same shall from time to time become due and payable, but not [excepting as to moneys from time to time received for graves and tombs,] by way of anticipation, further than for the quarter or half-year, or year, as may be thought most expedient; Provided always that when and so often as such dwelling-house or dwelling-houses as may have been erected for the express use of the minister or ministers of the circuit or station shall not be required for the use of such ministers or minister, on account of his or their being unmarried or otherwise, it shall and may be lawful for the said trustees, by and with the advice and consent of the superintendent minister of the circuit or station, to let the same and appropriate the rent arising therefrom towards paying and satisfying the board and lodging of such minister or ministers, or towards paying the rent for a more suitable and convenient residence or residences for such minister or ministers :

8. Trustees to hold moneys arising therefrom upon trust; to pay taxes, insurance, and for repairs; also interest and expenses incurred in the execution of the trusts hereof.

8. And it is hereby declared that the trustees and trustee for the time being of these presents shall stand and be possessed of the money arising from the said rents, profits and income [except as aforesaid] upon trust, thereout to pay, in the first place, such duties, taxes, rates, and other outgoings (if any) as from time to time shall be lawfully payable in respect of the said premises, or any part or parts thereof, and also the costs, charges, and expenses of insuring and keeping insured the said trust premises against loss or damage by fire, in such sum or sums as the said trustees for the time being, or the major part of them, shall from time to time think proper or expedient, and in repairing and keeping the said trust premises in good repair and condition; and likewise the interest of all principal moneys borrowed and then due and owing on security of the said trust premises, or of any part or parts

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parts thereof, by virtue of these presents, and then to retain to, and reimburse themselves respectively, all costs, charges and expenses lawfully incurred and paid by them in or about the due execution of the trusts of these presents, or any of them ; and, in the next place, thereout to pay and discharge the necessary costs, charges and expenses from time to time incurred in cleansing, warming, lighting, and attending to the said church or place of religious worship and premises, and generally to liquidate any debts, costs, charges, incumbrances and expenses at any time lawfully incurred under or occasioned by the due execution of the trusts of these presents, or any of them, and not included in any of the provisions aforesaid :

9. To apply surplus towards payment of ministers in charge, assisting funds of other churches, building new church, or subscribing to charities.

9. And upon further trust, from time to time, to pay and apply any surplus money remaining after the due payment of all such lawful debts, costs, charges, incumbrances and expenses as aforesaid (but according and in conformity to the rules and discipline of the said Methodist Church), for or toward the support of the minister or ministers for the time being, respectively appointed by the said conference or otherwise as aforesaid, either in the circuit in which the said chapel or place of religious worship shall for the time being be situated, or in that and some other circuit or circuits, or in some other circuit or circuits only, or for or towards the purpose of assisting or increasing the funds of any other church or place of religious worship, or churches or places of religious worship, appropriated to the use of the said Methodist Church, or in building any new church or place of religious worship, or churches or places of religious worship, for the use of the said Methodist Church, and which shall be settled upon such or similar trusts, ends, intents and purposes, as are in these presents mentioned ; or in subscribing or giving to any of the general funds, objects or charities of the said Methodist Church ; or for or towards all or any of the purposes, objects, funds or charities hereinbefore mentioned, in such manner as the trustees for the time being of these presents, or the major part of them, shall from time to time think necessary or expedient ; And it is hereby declared that it shall be lawful

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ful for the trustees for the time being of these presents, or the major part of them (although there shall not then be any such surplus money as aforesaid), from time to time, to subscribe or give such sum or sums of money as they shall think necessary or expedient, and may be conveniently spared from the funds of the said church or place of religious worship, for or towards all or any of the purposes, objects, funds or charities aforesaid :

10. To appoint and remove stewards and treasurers.

10. And it is hereby declared that it shall be lawful for the trustees, for the time being, of these presents, or the major part of them at any meeting to be convened and held as is hereinafter mentioned, from time to time, and at all times hereafter, at their discretion, to appoint any person or persons of decent and sober conduct and good reputation to be a steward or stewards of the said church or place of religious worship, and at their will and pleasure to remove and to dismiss such steward or stewards or any of them, and the duty of the steward or stewards of the said church or place of religious worship, shall be to see and attend to the orderly conducting of the secular business and affairs of the said church or place of religious worship, under the direction and superintendence of the trustees for the time being, of these presents, or the major part of them : And also in like manner to appoint any proper person or persons to be a treasurer or treasurers of the funds of the said church or place of religious worship and premises, and at their will and pleasure to remove and to dismiss such treasurer or treasurers, or any of them :

11. To keep books of account and submit the same for audit.

11. And it is hereby declared that the trustees or trustee, for the time being, of these presents shall themselves, or by their steward or stewards, treasurer or treasurers, keep a book or books of accounts in which from time to time shall be plainly, legibly, and regularly entered, an account of every receipt and disbursement by them, him or any of them received or made, and also of all debts and credits due to, and owing from or in respect of the said trust-premises or any part or parts thereof, and also of all other documents, articles, matters, and things

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things necessary for the due and full explanation and understanding of the same book or books of accounts ; and shall also in like manner keep a book or books of minutes, in which, from time to time, shall be plainly, legibly and regularly entered minutes of all trustee meetings, from time to time held under, or by virtue of these presents, and of the resolutions passed, and of all proceedings, acts, and business, had, taken and done thereat, and also of all documents, articles, matters, and things necessary for the due and full explanation and understanding of the same minutes and all other things done in and about the execution of the trusts of these presents ; and shall and will, from time to time, and at all seasonable times hereafter, upon the request of the superintendent minister, for the time being, of the circuit, in which the said church or place of religious worship shall, for the time being, be situated, produce and show forth to him, and to every person whom he shall desire to see the same, all and every such book or books of accounts and minutes, documents, articles, matters, and things, and permit and suffer copies or abstracts of, or extracts from, them or any of them to be made and taken by the said superintendent minister or any person or persons whom he shall from time to time desire to make and take the same ; and the said book and books of accounts and minutes, and all documents, articles, matters and things, relating in anywise to the said trust-premises shall, at least once in the year and oftener if the said superintendent shall at any time desire and shall give notice thereof in manner hereinafter mentioned, be regularly, upon a day to be appointed by the said superintendent, for the time being, or with his concurrence, examined and audited by the superintendent, and the circuit steward or circuit stewards, if more than one for the time being, of the circuit in which the said church or place of religious worship shall for the time being be situated, at a meeting convened for that purpose ; and of every such meeting fourteen days' notice, in writing, specifying the time, place and purpose of such meeting, shall and may be given under the direction of the said superintendent for the time being by any one or more of them, the said trustee or trustees

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tees for the time being, to each and every the other and others of them, the said trustees or trustee, circuit stewards and circuit steward for the time being, and either personally served upon him and them respectively, or left for, or sent by the post to him and them, at his and their most usual place and places of abode or business; and in order to facilitate the auditing of the said accounts, minutes, documents, articles, matters and things, it shall be lawful for the said superintendent, circuit steward and circuit stewards, for the time being, as aforesaid, or either or any of them, to appoint in writing a deputy or deputies to act therein for them and him respectively as aforesaid, and for that purpose any one or more of them, may be the deputy or deputies of the other or others of them the said superintendent, circuit steward and circuit stewards; and it is hereby declared that the signatures of all of them, the said auditors, deputies and deputy, or of the aggregate majority of them, written in the said book and books of accounts and minutes respectively, shall be sufficient evidence that all the matters and things relating to the said trust-premises, which were, up to that time, included in the said books, accounts, minutes and documents, matters and things were duly examined, audited and approved of, unless and except so far as the contrary shall be therein by them, or by the aggregate majority of them in writing expressed:

12. And it is hereby declared that fourteen days' notice of a special meeting and convenient notice of other meetings of trustees shall be given.

12. And it is hereby declared that every meeting for the purpose of taking into consideration the propriety of making any alteration of or any addition to or mortgage or sale of the said church or place of religious worship and premises, of any part or parts thereof, or for contracting any debt upon, for or on account thereof, (other than for the ordinary current expenses thereof) or for letting any such house or houses, school-room or school-rooms as aforesaid, or for fixing the rents or prices, or making or altering rules to ascertain the rents or prices of such graves, tombs, pews and seats as aforesaid, or for appropriating the funds or any part of the funds of the said church or place of religious worship, (otherwise than for the due payment of the ordinary current expenses thereof,)

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thereof,) or for bringing or defending any action or actions, suit or suits, respecting the said trust estates and premises or any parts thereof, or any matter relating thereto, or for any one or more of the above purposes, shall be, and shall be deemed and taken to be, a special meeting; and of every such meeting fourteen days' notice in writing, specifying the time, place, and purpose or purposes of such meeting, and signed by at least either two of the trustees, for the time being, of these presents, or by the superintendent minister for the time being, shall be given to the other and others of them and him, the said trustees, and superintendent minister, (unless where he is himself the person giving such notice) and either personally served upon him and them, or left for, or sent by the post to him and them, respectively, at his and their most usual place or places of abode or business; and for the purpose of transacting their ordinary business relating to the said church or place of religious worship and premises, or for any other purpose relating to these presents or trusts thereof (except where fourteen days' notice is expressed or required as hereinbefore is mentioned), a meeting of the trustees for the time being, of these presents may be held with the said superintendent for the time being, as aforesaid, so soon as the same can be conveniently convened by notice in writing, specifying the time and place of such meeting, given and signed by at least either two of the said trustees for the time being, or by the said superintendent for the time being, and either personally served upon or left for, or sent by the post as aforesaid, to the other and others of them respectively at his and their most usual place or places of abode or business; provided always, and it is hereby declared that no meeting held under or by virtue of these presents shall be invalid, or the resolutions thereof void or impeached by reason that any such notice or notices as aforesaid may not or shall not have reached any trustee or trustees, for the time being, of these presents, who, at the time of any such meeting, happens to be out of the Province, or who, or whose place or places of abode or business shall not be known to, and cannot reasonably be found or discovered by the person

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son or persons who is or are respectively, as aforesaid, authorized to give any such notice or notices as aforesaid :

13. That a majority of the trustees shall rule, and that in case of a tie, the chairman shall give casting vote.

13. And it is hereby declared, that, at any meeting held under or by virtue of these presents, or of the trusts hereof, or any of them, the votes of the persons present and entitled to vote, or the votes of a majority of them, shall decide any question or matter proposed at such meeting, and respecting which such votes shall be given ; And in case the votes shall be equally divided, then the chairman of such meeting shall give the casting vote, and which casting vote he shall have, in addition to the vote which he shall be entitled to, in his character of trustee, superintendent minister, or otherwise ; And it is hereby declared, that, whenever it shall be thought necessary, or expedient to do anything in and by these presents directed, authorized, or made lawful to be done, the necessity, or expediency, of doing the same shall, in like manner, be decided by the persons present, and entitled to vote upon the question to be determined, or by the majority of them, and if there shall be an even division, then by such casting vote as aforesaid : and all acts and deeds, done and executed in pursuance of any such decision as aforesaid, at any such meeting as aforesaid, shall be good, valid, and binding, on all persons entitled to vote at the meeting, who may be absent, or being present, may be in the minority, and on all other persons claiming, under or in pursuance of these presents ; but no person (unless where the contrary is hereinbefore expressly mentioned), shall be allowed to vote in more than one capacity, at the same time, or on the same question, although holding more than one office at the same time, in the said Methodist Church, or in the same meeting :

14. That the rules, discipline, doctrines, and usages of the Church shall be in force subject to the proviso respecting doctrines herein contained.

14. And it is hereby declared, that the "Rules and Discipline, and General Usage," of the said Wesleyan Methodist Church in these presents mentioned or referred to, are the Rules and Discipline of the said Church, as printed and published by authority of the said conference in a book entitled, "The Doctrines and Discipline of the Wesleyan Methodist Church

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Church in Canada," and the general usage and practice of the societies belonging to said Church, and such rules and regulations as may from time to time be made or adopted by the said conference, and printed and published in their Annual Minutes, in accordance with the provisions contained in the said Book of Discipline, and in the Articles of Settlement and Re-Union thereinbefore mentioned, for altering or amending the same; but subject at all times to the proviso respecting doctrines in these presents contained:

15. That superintendent minister or his deputy shall be chairman of meetings of trustees, but in case of absence trustees may appoint chairman.

15. Provided always, and it is hereby declared, that, excepting where the contrary is in these presents expressly declared, or provided for, the superintendent minister for the time being of the circuit or station in which the said church, or place of religious worship, shall for the time being be situated, or his deputy thereunto from time to time by him nominated and appointed in writing under his hand, shall be the chairman of, and shall preside at, and shall have a vote as such superintendent minister or deputy in, all meetings held under or by virtue of these presents; but in case the said superintendent minister for the time being, or his deputy to be so appointed as aforesaid, shall at any time neglect to attend at any such meeting as aforesaid, or if the superintendent minister, or his deputy appointed as aforesaid, shall attend, but shall refuse to act as the chairman at any such meeting as aforesaid, or if the said superintendent minister shall not attend at any such meeting, and shall neglect to appoint a deputy as aforesaid, then, and in every and any of the said cases, it shall be lawful for the persons for the time being composing such meeting, and entitled to vote thereat, or for a majority of them to elect and choose from among themselves, a chairman to preside for the time being at any such meeting as aforesaid, and every meeting so held upon any such neglect or refusal of the said superintendent minister or his deputy as aforesaid, shall be as valid and effectual as if the said superintendent or his deputy as aforesaid had been the chairman thereof, and had presided thereat.

16.

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16. Proviso for sale of land with consent of conference.

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16. Provided always, and it is hereby declared, that it shall and may be lawful to and for the trustees for the time being of these presents, with the consent of the said conference, such consent to be testified in writing under the hand of the president for the time being of the said conference, at any time or times hereafter, absolutely to sell and dispose of the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or of such part or parts of the same, respecting which such consent in writing as aforesaid shall be given, either by public sale or private contract, and together, or in parcels, and either at one and the same time, or at different times, for the best price or prices, in money, that can be reasonably obtained for the same, and well and effectually to convey and assure the hereditaments and premises so sold, to the purchaser or purchasers thereof, his, her, or their heirs and assigns, or as he, she, or they shall direct or appoint; and the hereditaments and premises so sold, and conveyed, and assured as aforesaid, shall thenceforth be held and enjoyed by the purchaser or purchasers thereof, his, her, and their heirs, executors, administrators, and assigns, freed, and absolutely discharged from these presents, and from the trusts hereby declared, and every of them; and the trustees and trustee for the time being, acting in the trusts of these presents, shall apply the money which shall arise from every such sale as aforesaid, so far as the same money will extend, to the discharge of all the incumbrances, liabilities, and responsibilities, whether personal or otherwise, lawfully contracted or occasioned by virtue of these presents, or in the due execution of the trusts thereof, or of any of them; and subject thereto, either for or toward promoting the preaching of the gospel in the said Methodist Church, in the circuit or station in which the said church, or place of religious worship shall, for the time being be situated, or, for the purpose of procuring a larger or more conveniently or eligibly situated parcel or tract of land, and church or place of religious worship, and premises, in the place or stead of the said parcel or tract of land, church, or place of religious worship, hereditaments, and premises so sold or disposed of to be

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be settled upon the same trusts, and to and for the same ends, intents and purposes, and with, under, and subject to the same powers, provisos and declarations as are in and by these presents expressed and contained, or such of them as shall be then subsisting, or capable of taking effect.

17. Proviso for sale in case trust premises shall be inadequate to meet and discharge interest and expenses.

17. Provided always that if any time hereafter the income arising from the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, shall be inadequate to meet and discharge the interest of all moneys borrowed and then due and owing upon or on account of the said trust premises, and the various current expenses attending the due execution of the trusts of these presents, and if the trustees and trustee for the time being of these presents shall desire to retire and be discharged from the burden and execution of the said trusts, and if no such proper persons as are hereinafter mentioned or described can be found to take upon themselves the burden and execution of the said trusts, with the responsibility and liability to be thereby incurred, then in that case it shall be lawful for the trustees for the time being as aforesaid, or the major part of them, of their own proper authority, and without any such consent by the said conference as aforesaid, to sell and dispose of the said parcel or tract of land, church, or place of religious worship, hereditaments and premises, or any part or parts of the same respectively, either by public sale or private contract, and either together or in parcels, and either at one and the same time or at different times, for the best price or prices in money that can be reasonably obtained for the same; and well and effectually to convey and assure the hereditaments and premises so sold, with the appurtenances, to the purchaser or purchasers thereof, his, her or their heirs and assigns, or as he, she or they shall direct or appoint, and the hereditaments and premises so sold and conveyed and assured as last aforesaid, shall thenceforth be held and enjoyed by the purchaser and purchasers thereof, his, her and their heirs, executors, administrators and assigns, freed and absolutely discharged from these presents, and the trusts hereby declared
and

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and every of them ; And all the money arising from every such last-mentioned sale shall be applied, disposed of and appropriated, as far as the same money will extend, to the purposes and in the manner hereinbefore directed, with respect to any sale made in pursuance or in consequence of such consent of or by the said conference as aforesaid ; but it is hereby declared that no sale shall be made by virtue of this present power or authority unless the trustees for the time being as aforesaid, or a majority of them, shall give notice in writing to the said conference or to the president for the time being of the said conference, on or before the first day of the then next annual meeting of the said conference, of their intention to make such sale, and the reasons for the same, nor unless the said conference shall, for the space of six calendar months next after the said first day of their said annual meeting, refuse or neglect either to give, grant or provide the said trustees and trustee for the time being with such pecuniary or other aid, assistance and relief as shall enable them and him to bear and continue the burden of the execution of the trusts of these presents, or (as the case may be) to find and provide other trustees who will take upon themselves the burden of the execution of the said trusts :

18. And it is hereby declared that except in case of mortgage or sale the receipt of a majority of the trustees or of trustee, steward or treasurer duly authorized shall be sufficient.

18. And it is hereby declared that the receipt and receipts of a majority of the trustees for the time being of these presents shall, in all cases of payment made to them, or any of them, as such trustees or trustee as aforesaid, be a full discharge to the person or persons entitled to such receipt or receipts, his, her and their heirs, executors, administrators and assigns, for all mortgage-moneys, purchase-moneys, or other moneys therein respectively expressed and acknowledged to have been received by any such trustees or trustee as aforesaid ; and in all cases, except for money paid and received in respect of any mortgage or sale of the said hereditaments and premises, or any part or parts thereof as aforesaid, the receipt and receipts of any one or more of the trustees for the time being of these presents, or any one or more of the stewards or treasurers for the time being, by the said trustees for the time

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time being, or the major part of them, duly authorized to sign and give receipts, shall be a full discharge to the person and persons entitled to such receipt or receipts, his, her and their heirs, executors, administrators and assigns, for all moneys (except as aforesaid) therein respectively expressed and acknowledged to have been received by any such trustee, steward or treasurer as aforesaid :

19. That purchaser or mortgagee shall not be bound to enquire as to the necessity of sale or mortgage.

19. And it is hereby declared that it shall not be incumbent upon any mortgagee or mortgagees, purchaser or purchasers, of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof respectively, to inquire into the necessity, expediency, or propriety of any mortgage, sale or disposition of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or of any part or parts thereof made or proposed to be made by the said trustees or trustee for the time being, or the major part of them, as aforesaid, or whether any such notice or notices as aforesaid was or were duly given, or was or were valid or sufficient, or whether any steward or stewards, treasurer or treasurers, was or were duly authorized to sign and give receipts as aforesaid ; nor shall it be incumbent upon any such mortgagee or mortgagees, purchaser or purchasers, or any of them, or for any other person or persons, his, her or their heirs, executors, administrators or assigns, paying money to such trustees or trustee, or to their steward or stewards, treasurer or treasurers for the time being, as aforesaid, to see to the application, or to be answerable or accountable for the loss, mis-application or non-application of such purchase or other money, or any part thereof, for which a receipt or receipts shall be so respectively given as aforesaid :

20. That trustees shall not be accountable for involuntary loss.

20. And it is hereby declared that the trustees or trustee for the time being of these presents shall not, nor shall any of them, their, or any of their, heirs, executors or administrators, or any of them, be chargeable or accountable for any involuntary loss suffered by him, them or any of them, nor any one or more of them,
for

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for any other or others of them, nor for more money than shall come to their respective hands, nor for injury done by others to the said trust-premises, or to any part or parts thereof :

21. That number of trustees shall not be less than seven nor more than twenty-one, and that vacancies are to be filled and number increased by nomination and appointment.

21. And it is hereby declared to be the true intent and meaning of this indenture, and of the parties thereto, that the full number of the trustees of the said trust shall not be less than seven or more than twenty-one, and that when and so often as any one or more of the said trustees, or of their successors in the said trust, shall die, *resign office as trustee, by and with the consent of a two-thirds vote of the co-trustees, or withdraw from or cease to be a member or members of the said Wesleyan Methodist Church, according to the rules and discipline of the said church, or shall remove to such a distance as shall in the opinion of his co-trustees, expressed by a two-thirds vote of said co-trustees, render it inexpedient for him to remain in said trust, the place of the trustee or trustees so dying, resigning, withdrawing, ceasing to be a member or members of the said church, or removing as aforesaid, shall thereupon become vacant, subject however to the provisoes next hereinafter set out, and shall be filled with a successor or successors being a member or members of the said church, of the full age of twenty-one years, to be nominated and appointed as follows ; that is to say, to be nominated by the Wesleyan Methodist minister having charge for the time being of the circuit or station in which the said hereby conveyed premises shall be situate, and thereupon appointed by the surviving or remaining trustee or trustees of the said trust, or a majority of them, if he or they shall think proper to appoint the person or persons so nominated, and in case of an equal division of the votes of the trustees present at any meeting of the trustees held for the purpose of such appointment, the minister so in charge of the said circuit or station shall have a casting vote in such appointment ; Provided always, that no such consent as aforesaid shall be given while any vacancies remain unfilled, nor shall the trustees consent to the resignation of more than one trustee by any one vote : Provided also, that notwithstanding the withdrawal by a trustee from his membership in the said church,*

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*church, his powers and liabilities as a trustee shall not cease unless his place in the trust shall be declared vacant by a two-thirds vote of the remaining trustees, which declaration it shall be in their power to make, on their being convinced that he has withdrawn as aforesaid ; Provided, that no prior vacancy remain then unfilled, and provided, that not more than one vacancy shall be declared by any one vote ; And if at any time it shall be deemed advisable to increase the number of trustees to a number greater than that appointed hereby, not exceeding twenty-one, then the person or persons whom it is desired to appoint as such new trustee or trustees, shall be nominated and appointed as is next hereinbefore provided for the filling of vacancies ; and if it shall happen at any time that there shall be no surviving or remaining trustee of the said trust, in every such case it shall and may be lawful for the minister aforesaid to nominate, and the quarterly meeting of the circuit or station, if they approve of the person or persons so nominated, to appoint the requisite number of the trustees of the said trust, by the vote of the majority of the members of the said meeting then present, and in case of an equal division of their votes, the chairman of the said meeting shall have the casting vote in such appointment, and the person or persons so nominated and appointed trustee or trustees in either of the said modes of nomination and appointment, shall be the legal successor or successors, *co-trustee or co-trustees* of the said above-named trustees, and shall have, in perpetual succession, the same capacities, powers, rights, duties, *estates and interests* as are given to the above-named trustees in and by these presents, and in and by the Acts of Parliament aforesaid ;*

22. Proviso for indemnification of trustee ceasing to be a member of the trust.

22. Provided always, nevertheless, and it is hereby expressly declared that, in every such case when the trustees or trustee so withdrawing, *resigning, removing,* or ceasing to be a member or members of the said Methodist Church as aforesaid, *and whose place has become vacant, as aforesaid,* shall make request for that purpose, in writing, to the surviving trustees, they, the said surviving trustees, shall and

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and will, within six calendar months next after such request, under their hands and seal of office (but at the costs and charges in the law of the person and persons making such request,) execute a bond, in a sufficient penalty or other obligation, to indemnify the trustees or trustee so withdrawing, *resigning*, or *removing*, or ceasing to be a member or members of the said Methodist Church, or *trust* as aforesaid, and every of them, their, and every of their heirs, executors, and administrators, of, and from, and against the payment of all and every sum and sums of money, costs, charges, and expenses, which he, they, or any of them, his, their, or any of their heirs, executors, or administrators, either separately, or jointly with any other trustees or trustee of the said trust-premises, may be bound, engaged, or liable to pay, in respect to the said parcel or tract of land, church, or place of religious worship and premises, or in, or about the due execution of, the trusts of these presents; or, in place of such bond or obligation, shall procure the trustees or trustee so withdrawing, *resigning*, *removing*, or ceasing to be a member or members of the said Methodist Church or *trust*, to be effectually released and discharged, of, and from, and against the payment of, all such sum or sums of money, costs, charges, and expenses, as last aforesaid, and from all liability on account or in respect thereof, or in otherwise relating thereto: Provided always that nothing hereinbefore contained shall be construed to prevent or disqualify any person or persons so withdrawing or ceasing to be a member or members as aforesaid, from being at any future time nominated, appointed and chosen (if then duly qualified) to be a trustee or trustees of the said parcel or tract of land, church or place of religious worship and premises under or by virtue of the powers or authorities in these presents contained or either of them, for appointing a successor or successors of the trustees of these presents; Provided always and it is hereby declared that from time to time, and at all times hereafter, upon the decease of any trustee or trustees for the time being of these presents, the surviving trustees or trustee for the time being of these presents shall and will, within six calendar months next after request

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request for that purpose in writing made to them or him by the legal representative or representatives of such deceased trustee or trustees (but at the costs and charges in the law of such legal representative or representatives) respectively execute a bond (in a sufficient penalty), or other obligation to indemnify the legal representative or representatives of each and every deceased trustee and trustees, who shall make such request as aforesaid, his, her, and their lands, tenements, goods and chattels of from and against all bonds, debts, covenants, obligations, notes, judgments, claims and demands whatsoever, which such deceased trustee or trustees had entered into or become subject or liable to, on account or in respect of the said parcel or tract of land, church or place of religious worship, hereditaments and premises, or otherwise on account or in respect of the due execution of the trusts of these presents or of any of them; or, in place or stead of such bond or other obligation of indemnity shall and will (at the choice and discretion of such surviving trustees for the time being, upon such request and at such cost and charges as last aforesaid), cause, or procure such legal representative or representatives as aforesaid, to be well and effectually released or otherwise discharged of, from and against all and every such bonds, debts, covenants, notes, judgments, claims and demands as last aforesaid, and of and from every of them, and every part and parcel thereof respectively.

 THIRD SCHEDULE.

Declaration made in pursuance of Section one of an Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered

KNOW ALL MEN BY THESE PRESENTS that whereas we (*setting out name of trustees or majority of trustees holding lands*) do hold the lands and premises hereinafter set out as (*give name of trustee board as contained in Deed granting to them*), we in pursuance of the provisions of Section One of an Act thirty-five Victoriae chaptered _____, do hereby declare, that from and after the date of the registration hereof, we hold the said lands and premises under the provisions of the "Model Deed"

the County of Perth, elected by the said congregation and others, members of the said congregation, have by their petition prayed that the said George Ney, George Rohfritch, and Albert Dietson and their successors in office may be incorporated under the name of The Trustees of the First Evangelical Lutheran St. John's Congregation of the Township of Ellice in the County of Perth, and that the property of the said congregation and of the original trustees thereof might be vested in the said corporation and that the said corporation should have the control and management of the finances and secular affairs of the said congregation; and whereas it is expedient to grant the prayer of the petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All and singular that certain parcel or tract of land and premises situate, lying and being in the township of Ellice, in the County of Perth and Province of Ontario, containing by admeasurement one acre and two roods, be the same more or less, being composed of a part of lot number twenty-five, in the first concession of the township of Ellice aforesaid, and butted and bounded as follows, that is to say, commencing at the south-westerly angle of the said lot, thence south sixty degrees east along the northerly limit of the Huron Road three chains to a post; thence north thirty degrees east five chains to a post; thence north sixty degrees west three chains more or less to the easterly limit of an allowance for road; thence south thirty degrees west along the same easterly limit of allowance for road five chains more or less, to the place of beginning, by one Jacob Seegmiller, of the town of Goderich, in the County of Huron, esquire, conveyed to George Pauli, of the township of Downie, Jacob Bronner, of the township of Ellice, and John Arbogast, of the township of Fullarton, all in the County of Perth and Province of Ontario, yeomen, by an indenture bearing date the first day of July, in the year of our Lord one thousand eight hundred and fifty is hereby vested in George Ney, George Rohfritch, and Albert Dietson and their successors in office, who are hereby incorporated under the name of "The Trustees of the first Evangelical Lutheran St. John's Congregation of the Township of Ellice, in the County of Perth," under and subject to the trusts of the said indenture.

Certain lands
vested in Trus-
tees.

Corporate
name.

2. On the first Monday in April next a meeting of the said congregation shall be held at the church erected on the said land, at the hour of noon, for the purpose of electing three trustees in the place of the said George Ney, George Rohfritch, and Albert Dietson, whose term of office shall then expire but who shall be eligible for re-election.

First meeting
for election of
Trustees.

3. The trustees so elected shall remain in office until the second Monday in January following.

Term of office
of Trustees.

Annual meetings for election of Trustees.

4. Thereafter on the second Monday in January in each year a meeting of the said congregation shall be held at the said church at the hour of ten in the forenoon for the purpose of electing three trustees in the place and stead of those who held office during the preceding year, but who shall be eligible for re-election, and in case of no election the former trustees shall continue in office until new trustees are elected.

Powers of Trustees.

5. The said trustees as such corporation as aforesaid shall have power to maintain and defend all suits, actions and proceedings at law or in equity for the protection of the property in them vested and their interest therein.

General meeting how called.

6. A general meeting of the said congregation may be called at any time by not less than three members of the congregation: in such case the members desiring to have such meeting convened shall, twenty-one days preceding the date of the proposed meeting, put up on the main door of the said church a notice in writing specifying the day and hour, together with the object of such meeting.

Chairman at meetings.

7. Each congregational meeting shall be presided over by a chairman to be chosen by those present thereat and entitled to vote.

Con. Stat. U C., cap. 69, to apply.

8. The provisions of the Act chapter sixty-nine of the Consolidated Statutes for Upper Canada intituled "An Act respecting the property of Religious Institutions in Upper Canada," except where they are inconsistent with the above provisions shall apply thereto.

CAP. CIX.

An Act to provide for the appointment of Trustees for first coloured Calvinistic Baptist Church of Toronto.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS by an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, it was enacted that whenever any religious congregation or Society of Baptists should have an occasion to take a conveyance of land for the site of a church, meeting house or chapel, or burying ground, it should and might be lawful for them to appoint trustees, to whom and their successors to be appointed in such manner as should be specified for all or any of the purposes aforesaid, the same might be conveyed; and that such trustees and their successors in perpetual succession by name, expressed in such deed, should be capable of taking, holding, and possess-

ing

ing such land, and of commencing and maintaining any action or actions at law or in equity, for the protection thereof, and of their rights thereto; And whereas, by a certain indenture bearing date the tenth day of February, one thousand eight hundred and forty-five, certain lands in the City of Toronto, being all that certain piece, or lot of land and premises situate in the said City of Toronto, being part of park lot number eight, formerly in the Township of York, now in the City of Toronto, and designated and laid down on the plan or survey of the said park lot number eight, and park lot number seven, made by Robert Lynn, a deputy provincial surveyor, as lot number two on the North side of Lot street, now Queen street, purchased by the first coloured Calvinistic Baptist Church in Toronto, were, at the request of the members of the said church, conveyed to four trustees and their successors in perpetual succession, which successors were to be appointed in the manner mentioned in the said deed; And whereas, it has been found that the mode of appointing trustees therein prescribed, and the tenure by which they hold the said lands, has been and is unsatisfactory, and is opposed to the principles of the said church; And whereas, the said church is desirous that the mode of appointing such trustees and their tenure of the said lands should be changed, and William Henry Harris, the only surviving trustee under the said deed, and several other persons members of the said church, have presented their petition to have the same changed:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All the estate and interest of the said William Henry Harris, and of the said other trustees named in the said deed of trust, at the time of their deaths respectively, in the said lands and premises, shall, upon their appointment, become vested in such four persons as shall be chosen from among the members of the said first coloured Calvinistic Baptist Church, in manner hereinafter provided, subject to the trusts and for the intents and purposes declared in the said recited indenture of the tenth day of February, one thousand eight hundred and forty-five.

Estate, in
whom to be
vested.

2. When any one or more of the said trustees, or any of their successors in office shall die or be excluded from the fellowship of said church, or shall become incapable of acting, or if they, or any of them remove out of the Province of Ontario, or unite with any other denomination, or shall resign or be discharged, then and in that case the place or places of the said trustee or trustees so vacated, shall be supplied by the said church, at any regular business meeting held, of which two weeks' public notice shall have been given, on an open two-thirds vote of the members present; Provided always that no person or persons shall be appointed to fill such vacancies who is not a member in good standing in said church; Provided,

Trustees,
manner of
election.

Proviso.

also

Proviso. also, that no trustee shall be discharged, except upon notice and for good and reasonable cause, and on a vote of two-thirds of the members present at any business meeting called for the purpose, of which two week's notice shall be given at the church on two respective Sundays; and the decision of a meeting so called, provided notice shall be given to such trustee as aforesaid, shall be conclusive; Provided further that a minute of such meeting, and of the decision arrived at shall be recorded in a book to be kept by the church.

* A record to be kept. **3.** A record shall also be made in such book, of the appointment of each new trustee, as and when any such appointment is made.

CAP. CX.

An Act to incorporate the Regular Baptist Missionary Convention of Ontario.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS an association under the name of the Regular Baptist Missionary Convention of Ontario has existed for several years in this Province and in the former Province of Upper Canada, with the design and object of promoting the preaching of the gospel of Christ and disseminating the principles held by the denomination known as Regular Baptists throughout the said Province; and whereas the said association has by petition prayed to be incorporated and it is expedient to grant such petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. William J. Copp, Rev. T. L. Davidson, Benjamin Bell, Hon. William McMaster, Hon. Alexander Mackenzie, E. V. Bodwell, A. T. Wood, Henry Moyle, Rev. William Stewart, Rev. R. A. Fyfe, Rev. George Richardson, Rev. James Cooper, A. T. McCord, J. A. Boyd, J. G. Scott, Rev. A. H. Munro and Rev. Hoyes Lloyd and such other persons as are now or hereafter shall become members of the said association are hereby constituted a body politic and corporate under the name of "The Regular Baptist Missionary Convention of Ontario," and by the same name may from time to time, and at all times, acquire and hold as purchasers any interests in lands and tenements, and the same alienate, lease, mortgage and dispose of, and purchase others in their stead; Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding

Corporate name.

Power to acquire real property,

exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, or for the purposes of the said corporation. And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein, acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition may be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements, or interests therein, or such thereof which may not, within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns. And sell.

2. The corporation shall have for its object that mentioned in the preamble to this Act, and may engage and employ persons therefor, and shall also have power to donate or loan moneys or portions of the real estate of the corporation in promoting such object, and in aiding poor congregations to build churches or meeting houses or sustaining religious worship. Objects of corporation.

3. The constitution, regulations and by-laws by which the said association is now governed shall be the constitution, regulations and by-laws of the said corporation; but they or any of them may be added to, amended or repealed and others substituted therefor in the manner and subject to the conditions and provisions therein contained. Constitution.

4. The officers and the members of the executive board of the said association at the time of the passing of this Act, shall be the officers and members of the executive board of the said corporation until others are elected in their places. Officers.

5. All persons holding any real property in trust for the said association may convey the same to the said corporation, and shall be thenceforth discharged from their trusteeship. Property held in trust.

6. The said corporation shall at all times, when required by the Lieutenant-Governor, make a full return of all property held by it with such details and other information as to income and expenditure as may be required. Returns.

CAP. CXI.

An Act to incorporate the Trinity College School.

[Assented to 2nd March, 1872.]

Preamble

WHEREAS, the Bishop of the Diocese of Toronto and others have, by their petition, represented that the said school has been for the last six years and upwards, and is now in successful operation, and that the usefulness of the said school will be extended, and the purposes for which it was formed will be promoted by an Act of incorporation ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

School incor-
porated.

1. The Bishop of the Diocese of Toronto, for the time being; the Chancellor of the University of Trinity College, for the time being; the Provost of Trinity College, for the time being; the Professors in Arts of Trinity College, for the time being; the Head Master of the Trinity College School, for the time being; the Venerable Arthur Palmer, M.A.; the Reverend John Gamble Geddes, M.A.; the Honourable George W. Allan, Charles J. Campbell, Esquire, and Frederick W. Cumberland, Esquire, and their successors, shall be and are hereby constituted a body politic and corporate, under the name of the corporation of "The Trinity College School;" and shall have perpetual succession and a common seal, and shall have power to add to their numbers and appoint their successors, by election or otherwise, as may by the said corporation be determined upon.

Power to ac-
quire real pro-
perty,
•

2. The said corporation may from time to time, and at all times, acquire and hold as purchasers any interests in lands and tenements, and the same alienate, lease, mortgage and dispose of, and purchase others in their stead; Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation; And it is further enacted, that the said corporation may by the name aforesaid, from time to time, take or hold by gift, devise or bequest, any lands or tenements or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements or interests

interests therein acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interest therein, or such thereof which may not within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns. and sell.

3. The Bishop of the Diocese of Toronto, for the time being, shall be the visitor of the said school; and the governing body of the said school shall consist of the Bishop of the Diocese of Toronto, for the time being, the Chancellor of the University of Trinity College, for the time being, the Provost of Trinity College, for the time being, the Professors in Arts of Trinity College, for the time being, the Head Master of the said School, for the time being (all of whom shall *ex-officio* be members of the said governing body), and such and so many other persons as shall be appointed from time to time as occasion may require, in such manner and for such term as may be provided in the by-laws, rules and regulations of the said governing body. Visitor.
Governing body.

4. The first governing body of the said school shall consist of the said *ex-officio* members, and the said Arthur Palmer, John Gamble Geddes, George W. Allan, Charles J. Campbell and Frederick W. Cumberland, who shall hold office until their successors shall be appointed. Governing body.

5. The governing body of the said school, shall have the control, management and government of the said school, and shall have power to make by-laws, rules and regulations not contrary to law or the provisions of this Act, for the working and management thereof; and may also determine upon the number of the said governing body which shall form a quorum thereof, and may regulate all matters appertaining to meetings of the said governing body. Powers of Governing body.

6. The governing body of the said school, may for the purposes of paying for the real estate they may purchase under this Act, and for the erection and completion of the buildings required for the said school, borrow money on the debentures of the said corporation, at such rates of interest and upon such terms as they may think proper; and may for that purpose make or cause to be made, debentures under the common seal of the corporation, for sums not less than one hundred dollars, which may be payable at any place, and either to order or bearer, and may have interest coupons attached; Provided that the Corporation may issue debentures for certain purposes.

Z aggregate

aggregate amount of such debentures shall not at any time exceed ten thousand dollars.

Corporation
to make re-
turns when re-
quired.

7. The said corporation shall, whenever required by the Lieutenant-Governor of this Province, make a return of its property, real and personal, and of its annual receipts, and expenditure with such details and information as the said Lieutenant-Governor may require.

CAP. CXII.

An Act to amend the Act to incorporate the Ottawa Ladies' College.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the managers of the Ottawa Ladies' College have prayed for an Act to amend their Act :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :--

34 Vic., cap.
90, s. 7,
amended.

1. Section seven of the Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, and chaptered ninety, shall be and is hereby amended by inserting in the sixth line thereof between the words "meetings" and "the", the following words, "and at each annual general meeting thereafter."

Sec. 16 amend-

2. Section sixteen of the said Act is hereby repealed and in lieu thereof the following is substituted :

Vacancies in
office of man-
ager, how
filled.

(16). If any of the managers resign or become incompetent or ineligible to act, or cease to be a proprietor of the requisite number of shares, the remaining managers shall appoint a shareholder with the necessary qualification to fill the vacancy at a special meeting of the managers to be called by the secretary for that purpose.

Quorum of
managers,

their powers.

3. That for and notwithstanding anything in the eighteenth section of the said Act contained, five of the managers shall form a quorum for the transaction of all business : Provided that such managers shall not deal with, sell or dispose of the lands, property or effects of the said corporation, or purchase or acquire lands for the said corporation unless at a meeting of the managers at which eight at least of their number shall be present.

CAP. CXIII.

An Act to incorporate the Wilberforce Educational Institute.

[Assented to 2nd March, 1872.]

WHEREAS it has been represented to the Legislature of this Province that about the year one thousand eight hundred and forty-one, there was established in the County of Kent an educational institute called the British and American Institute; and that by a decree of Her Majesty's Court of Chancery for Upper Canada, bearing date the twenty-fourth day of March, one thousand eight hundred and sixty-eight, made in a cause then pending in said court, of Her Majesty's Attorney General for Upper Canada against John Scoble and James C. Brown, the said James C. Brown and Archibald McKellar, Morris Potter, Stanton Hunton, Isaac Holden, Hayward Day, William Chandler and the Reverend Thomas Hughes all of the said County of Kent, were appointed trustees for the purpose of carrying out the said trust, and the trust estates were by the said decree declared to be vested in them; and whereas the said James C. Brown is since dead, and the remaining trustees have petitioned for an Act of incorporation, and it would tend greatly to advance and extend the usefulness of the institution that it should be incorporated:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. There shall be and there is hereby constituted and established in the County of Kent, in the Province of Ontario, a body politic and corporate under the name of "The Wilberforce Educational Institute," which shall be an institution of learning for the purpose of affording the means of a moral, mental and physical education to the coloured population of Canada, not excluding white persons and Indians; which corporation shall consist of the said Archibald McKellar, Morris Potter, Stanton Hunton, Isaac Holden, Hayward Day, William Chandler and the Reverend Thomas Hughes, who shall be the trustees of the corporation, with power in their discretion to increase their number to nine in such manner as shall be provided by the rules and regulations of the corporation; and such trustees shall have the control, management and government of the corporation, and shall also have power to make rules and regulations, not contrary to law or the provisions of this Act, for the government or management of the said corporation and the affairs and property thereof, and also for the guidance of themselves the said trustees in the execution of their duties; and in case of any vacancy or vacancies occurring in the number of the said trustees by death, resignation or otherwise, such vacancy or vacancies shall be filled up in such manner as may be

Incorporation.

Name.

Trustees.

Their powers.

Vacancies in office of trustee how filled

be provided in the rules and regulations of the said corporation, subject to the approval of a judge of the Court of Chancery in Chambers.

Power of Corporation.

2. Such corporation shall have perpetual succession, and may have a common seal with power to change, alter, break and renew the same when and so often as they shall think proper; and the said corporation may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted in all courts and places whatsoever in this Province, and shall have power to acquire and hold personal property or moveable for the purposes of the corporation, and to alienate the same at pleasure; and all the acts and doings of a majority of the members of the corporation shall be of the same force and effect as if all of them had joined in such acts or doings; and no individual member of the corporation shall be personally liable for the debts, acts or obligations of the corporation.

Power to acquire real property.

3. The said corporation may from time to time, and at all times, acquire and hold as purchasers any interests in lands and tenements, and the same alienate, lease, mortgage and dispose of and purchase others in their stead: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation: And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements, or interests therein, acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements or interests therein, or such thereof which may not, within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns.

And sell.

Property of

4. All the real and personal estate, property, assets and effects, and

and all titles, securities, instruments and evidences, and all rights, and claims of, or belonging to, the said British and American Institute, or to the trustees thereof as such trustees, or to any other person or body politic or corporate on behalf of or in trust for the said the British and American Institute including any moneys at present in the said Court of Chancery in the said cause above referred to, and any mortgages held by the said Court of Chancery or by any officer thereof to secure payment of the purchase money of any lands sold in the said cause, are hereby vested in the said the Wilberforce Educational Institute, notwithstanding any of the provisions contained in the third section of this Act, and shall for the purpose and upon the trusts in the preamble to this Act mentioned be deemed and taken to be the property of the said corporation; Provided always that any lands acquired by the Corporation under this section, and not required for their actual use and occupation, shall not be held by them for a longer period than seven years, but shall be disposed of by them within that period.

British American Institute vested in the Wilberforce Educational Institute.

Proviso.

5. All moneys of the corporation not required for immediate use in maintaining and promoting the objects of the corporation may be invested by the trustees in the public securities of the Dominion of Canada, or of this Province, or in the stocks of any chartered bank or building society, or in the bonds or debentures of any city, town or municipality authorized to issue bonds or debentures, or in mortgages of real estate, or other approved securities for the use of the corporation, subject to the approval of a judge of the Court of Chancery in Chambers.

Investment of moneys.

6. The corporation may convey to such trustee or trustees, as they think proper for the purpose of a burying ground, that plot of land containing about six acres in the village of Dresden, set apart by the trustees of the said the British and American Institute for such purpose, and represented in the registered plan of the said village as "cemetery ground" with power to the corporation to make such provisions and conditions in the conveyance of said plot for the future management of it for the purpose aforesaid, as they may see fit; and the corporation may convey to the municipality of the Village of Dresden, in the said County of Kent, so soon as said village is incorporated, for the purpose of a Market Square, that plot of land, containing about one acre and a half of an acre, in the said village set apart by the trustees and represented on the registered plan of the said village as the "Market Square."

Certain land may be conveyed for a burying ground.

Certain land may be conveyed for a Market Square.

7. It shall be the duty of the said corporation at all times, when they may be called upon to do so by the Lieutenant-Governor of this Province, to render an account in writing of their property, in which shall be set forth, in particular, the income by them derived from property held under this Act, and the source from which the same has been derived; also the number of members of the said corporation, the number of teachers

Return to be made to the Lieutenant-Governor.

teachers employed in the various branches of instruction, the number of scholars under instruction, and the course of instruction pursued.

CAP. CXIV.

An Act to incorporate the German Benevolent Society of Toronto.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS certain persons hereinafter named have by petition represented that for many years past they and others of German birth or extraction, residents of Toronto, have maintained by voluntary contributions a certain charitable association under the name of The German Benevolent Society of Toronto, having for its object the relief of needy and distressed German immigrants to this Province, as well as others of German descent, and have prayed that for the better attainment and furtherance of the objects of the said association, the same may be invested with corporate powers; and whereas it is expedient to grant the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. John Kelz, Gottlieb Grundler, John Riston, Gustave Wiener, John Blumenstock, Adam Rehberger, and such other persons as are now members of the said association, or shall hereafter unite with them under the provisions of this Act and the by-laws made under authority thereof, and their successors shall be, and they are hereby constituted a body politic and corporate by the name of the "German Benevolent Society of Toronto"; and may by any legal title acquire, hold and enjoy any estate whatever, real or personal, stocks, debentures, or securities; and may alienate, lease or otherwise dispose of the same or any part thereof, from time to time and as occasion may require, and other estate, real or personal, may acquire instead thereof: Provided always, and it is enacted, that the said corporation shall at no time acquire or hold as purchasers any lands or tenements, or interests therein, exceeding in the whole at any one time the annual value of five thousand dollars, nor otherwise than for their actual use or occupation, for the purposes of the said corporation. And it is further enacted, that the said corporation may, by the name aforesaid, from time to time, take or hold by gift, devise or bequest any lands or tenements, or interests therein, if such gift, devise or bequest be made at least six months before the death of the person making the same; but the said corporation shall at no time take or hold by any gift, devise or bequest, so as that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise

Powers to hold and dispose of property.

devise or bequest, shall at any one time in the whole exceed the annual value of one thousand dollars; and no lands or tenements; or interests therein, acquired by gift, devise or bequest, shall be held by the said corporation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said corporation, so that it no longer retain any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said corporation; and such lands, tenements, or interests therein, or such thereof which may not, within the said period have been so disposed of, shall revert to the person from whom the same was acquired, his heirs, executors, administrators or assigns. And sell.

2. The corporation shall not hold any property except such as shall be derived from, or purchased with funds derived from the following sources, that is to say: the life, annual and other subscriptions of members, donations, bequests or legacies made to the corporation, and such other moneys or property as may be acquired by or from the ordinary transactions of the corporation, or may now belong to the existing association, and the moneys arising from fines and forfeitures lawfully imposed by their by-laws; and the society shall have power to prescribe by any by-law what portion of its funds or property shall constitute the permanent fund of the corporation, which shall be held for its permanent use, and what portion shall be applied to the defraying of the current expenses of the corporation, and the relief of such persons as the corporation may deem proper objects of such relief, according to their by-laws then in force and to the provisions of this Act. Limit as to powers.
By-laws as to disposition.

3. The affairs and business of the corporation shall be managed by such officers and committees, and under such restrictions as touching the powers and duties of such officers and committees as the corporation may from time to time by by-laws ordain; and the corporation may assign to any of such officers such remuneration as it may deem requisite. Management.

4. The corporation may make such by-laws, not contrary to law, as it shall deem expedient for the administration and government of the corporation and of such asylum or other charitable institution as it shall maintain; and may repeal or amend the same from time to time, observing always, however, such formalities as by such by-laws may be prescribed to that end, and generally shall have all the corporate powers necessary to the ends of this Act. By-laws, powers to make.

5. The present by-laws of the said Association not being contrary to law, shall be the by-laws of the corporation hereby constituted, until they shall be repealed or altered as aforesaid. Present by-laws.

Present officers.

6. Until others shall be elected according to the by-laws of the corporation, the present officers of the Association shall be those of the corporation.

Subscription, penalties, withdrawal.

7. All subscriptions and all penalties due to the corporation under any by-law may be recovered by suit in the name of the corporation; but any member may withdraw therefrom at any time on payment of all amounts due by him to the corporation inclusive of his subscription for the year then current.

Return to Government of property, &c.

8. The corporation shall at all times when thereunto required by the Lieutenant-Governor or by the Legislative Assembly of Ontario, make a full return of its property real and personal, and of its receipts and expenditure, for such period and with such details and other information as the said Lieutenant-Governor or the said Legislative Assembly of Ontario may require.

CAP. CXV.

An Act to amend the Act to incorporate the County of Carleton General Protestant Hospital.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS the Trustees and Directors of the County of Carleton General Protestant Hospital have by their petition represented that grave inconvenience has resulted from the existence of two distinct governing bodies in connection with the said Hospital, and have prayed that the Act passed in the session held in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, and chaptered thirty-three, incorporating the said Hospital, may be amended, and it is expedient to grant the prayer of their petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Hospital property vested in the Directors.

1. From and after the passing of this Act, all the property, real and personal, pertaining to the County of Carleton General Protestant Hospital, and in any way thereto belonging, shall vest in and be held by the Directors of the said Hospital for the time being for the use and benefit of the said Hospital, and all the rights, powers, privileges and duties conferred on and assigned to the Trustees of the said Hospital by the hereinabove cited Act, are transferred to and vested in the Directors of the said Hospital for the time being.

Powers of the

2. Nothing in this Act contained shall be construed as impairing

pairing, or in any way diminishing the powers and privileges conferred, by the herein-above cited Act, upon the corporation of the said Hospital; but all such powers and privileges may be as fully and freely exercised and enjoyed by the Directors of the said Hospital, as they have heretofore been by the Trustees and by the Directors thereof.

CAP. CXVI.

An Act to amend an Act respecting Companies for the Establishment of Cemeteries in Upper Canada.

[Assented to 2nd March, 1872.]

WHEREAS it has been found difficult to procure a sufficient subscription and payment of capital stock of cemetery companies formed under the Act of the Consolidated Statutes for Upper Canada, chaptered sixty-seven, to enable the company to pay the purchase money of the land acquired by them, without obtaining time for such payment, and also to make such a present expenditure in enclosing, laying out, improving and embellishing the said lands as is desirable; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything in the said Act contained, it shall be lawful for companies, formed under the provisions of the said Act, from and out of the proceeds of the sales of burial sites made by the company, to pay to shareholders of the company, who may not desire to take land in the cemetery to the full extent of the stock subscribed for and paid by them, interest on their paid up stock not represented by land in the cemetery at such rate as may be agreed on, not exceeding eight per centum per annum, and also to repay to such shareholders the amount of paid up stock held by them not represented by land in the cemetery. Shareholders may receive interest on stock not represented by land.

2. Every such shareholder of the said company shall be taken to be a shareholder, and shall be entitled to all the rights of shareholders in respect of the shares of the capital stock of the company held by him and fully paid up and which are not represented by land in the cemetery, until such shares shall be repaid to him by the company; and upon the repayment to him of any share he shall cease to be a shareholder in respect of such share. Rights of shareholders with stock not represented by land.

CAP. CXVII.

An Act to authorize the Law Society of Ontario to admit Edward Stonehouse as a Barrister-at-law.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS Edward Stonehouse has by his petition set forth and represented that in Trinity term in the year of our Lord one thousand eight hundred and sixty, he passed the necessary examination and was admitted an Attorney of the Courts of Queen's Bench and Common Pleas and a Solicitor of the Court of Chancery in Upper Canada (now the Province of Ontario) and has been ever since actively engaged in the practice of his profession; And whereas, it was decided in the month of January, in the year of our Lord one thousand eight hundred and sixty-four, that attornies could not act as advocates in County Courts or Courts of co-ordinate jurisdiction, whereby he was precluded from practising as an advocate in said County Courts or Courts of co-ordinate jurisdiction; And whereas, for the reasons aforesaid the said Edward Stonehouse has prayed that an Act may be passed to enable the Law Society of Ontario and the Benchers thereof to place his name upon the roll of the members of the said society, and to call him to the bar of Ontario; And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Law Society may admit E. Stonehouse as member upon certain conditions.

1. It shall and may be lawful for the Law Society of Ontario in their discretion, and upon payment of the usual fees therefor, at any time to call the said Edward Stonehouse to the degree of Barrister-at-law on passing such primary and final examinations as may be prescribed by the said society without his compliance with any further requirements or other rules and regulations of the said society in that behalf, any law, custom, or usage to the contrary notwithstanding.

CAP. CXVIII.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario to admit William Henry Lockhart Gordon to practise as an Attorney and Solicitor therein.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS William Henry Lockhart Gordon, of the City of Toronto, hath by his petition set forth that in the year one thousand eight hundred and sixty-eight he graduated

ated with honours at the University of Cambridge, England; and that in the year one thousand eight hundred and sixty-nine he was duly admitted a member of the Honourable Society of the Inner Temple of the City of London, England; and that he was duly called to the bar of the Superior Courts in England in the year one thousand eight hundred and sixty-nine; and that he still remains a member of the bar on the rolls of the said courts; and that he came to reside in the Province of Ontario in the year one thousand eight hundred and seventy; and that he was duly called to the bar of Ontario in Hilary Term one thousand eight hundred and seventy-one; and that his name now remains upon the books of the Law Society of Ontario as a barrister thereof; and that from the time he was first admitted to practise as a barrister in England and Ontario he has been continually engaged in the practice of his profession both in England and Canada and is still so engaged; And whereas, the said William Henry Lockhart Gordon by his petition further sets forth that he was articulated to a practising attorney and solicitor immediately after he was admitted a member of the Law Society of Ontario; and that he has done everything in his power to qualify himself to be admitted to practise as an attorney and solicitor but that owing to the profession of barrister and solicitor being distinct and separate in England, and owing to it being the custom in that country that no member of the bar shall practise as an attorney and solicitor or be articulated to an attorney and solicitor, he was altogether prevented and precluded from becoming an attorney or solicitor or being articulated to an attorney or solicitor before he came to reside in the Province of Ontario and was admitted a member of the Law Society of Ontario; And whereas, the said William Henry Lockhart Gordon is desirous of being admitted to practise as an attorney-at-law and solicitor in chancery; and has prayed that an Act may be passed to enable the Courts of Queen's Bench and Common Pleas and the Court of Chancery for Ontario to admit him to practise as an attorney and solicitor of the said courts respectively, notwithstanding that he has not been articulated to a practising attorney and solicitor for the full period of three years;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. That it shall and may be lawful for the Courts of Queen's Bench and Common Pleas and the Court of Chancery for Ontario respectively, on sufficient proof being given that the said William Henry Lockhart Gordon has duly been called to practise at the bar, and that he still remains a member of the bar on the rolls of the Superior Courts in England, and has had the degree of barrister-at-law conferred on him by the Law Society of Ontario, and that his name now remains on the books of the said society, and that he has duly and properly served under articles of clerkship to a practising attorney and solicitor from
the

W. H. L. Gordon may be admitted as an attorney and solicitor of the Superior Courts on certain conditions. •

the time from which he first bound himself under articles to a practising attorney and solicitor up to the passing of this Act, to admit the said William Henry Lockhart Gordon as an attorney and solicitor of the said courts respectively, any law or usage to the contrary notwithstanding, upon payment of the proper fees in that behalf.

CAP. CXIX.

An Act to authorize the Courts of Queen's Bench, Common Pleas and Chancery for Ontario, to admit James Fleming to practise as an Attorney and Solicitor therein.

[Assented to 2nd March, 1872.]

Preamble.

WHEREAS James Fleming has by his petition, represented that in Easter Term, in the year one thousand eight hundred and sixty-six, he was duly called to the bar of Ontario, and that since January, in the year one thousand eight hundred and sixty-three, to the month of July, in the year one thousand eight hundred and sixty-six, he served as a clerk to a practising attorney, and that since the said last mentioned date he has been continuously engaged in the duties of his profession as a barrister, and in the management of an attorney's office, and that for reasons in said petition set forth, no part of the said service has been under articles of clerkship; And whereas the said James Fleming is desirous to be admitted to practise as an attorney-at-law and solicitor in chancery without further service as a clerk:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

J. Fleming may be admitted an attorney and solicitor of the Superior Courts on certain conditions.

1. That it shall and may be lawful for Her Majesty's Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario respectively, on proof being given that the said James Fleming has duly passed the examination required, previous to being called to the bar, and that he has been duly called to the bar, and that his name now remains upon the books of the Law Society of this Province as a barrister thereof, to admit the said James Fleming as an attorney and solicitor of the said courts respectively, upon his passing the usual attorneys examination for admission, and paying the proper fees in that behalf, any law or usage to the contrary notwithstanding.

1871-2.—35 VICTORIÆ .

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